

In the Court of the Certificate Officer of Bankura.

CERTIFICATE CASE No. 258 of 1905-1906.

Secretary of State for India in Council, decree-holder, *versus* Srimati Rani Ananda Kumari Devi, judgment-debtor.

NOTICE is hereby given that the undermentioned property of the judgment-debtor will be sold at a public sale in the Court premises by the Certificate Officer at Bankura on the 10th August 1905 at 12 A.M. for the realization of Rs. 629-11-2 in execution of the above decree:—

Thana Bankura, estate, Ohhatna, bearing tauzi No. 938 of the Bankura Collectorate. Revenue payable for the mahal, Rs. 2,287-1.

RAMENDRA KRISHNA DEB, Collector

Bankura Collectorate, the 19th June 1905. (728-3)

In the Court of the Certificate Officer of Bankura.

CERTIFICATE CASE No. 265 of 1905-1906.

Secretary of State for India in Council, decree-holder, *versus* Nolini Nath Sinha Deb, guardian of minor Protap Naran Sinha Deb, judgment-debtor.

NOTICE is hereby given that the undermentioned property of the judgment-debtor will be sold at a public sale in the Court premises by the Certificate Officer of Bankura on the 10th August 1905 at 12 A.M. for the realization of Rs. 425-2-2 in execution of the above decree:—

Thana Vishnupur, estate Jamkundi, bearing tauzi No. 478, residuary, of the Bankura Collectorate. Revenue payable for the mahal, Rs. 966-14-9.

RAMENDRA KRISHNA DEB, Collector.

Bankura Collectorate, the 17th June 1905. (729-3)

NOTICE.

Estate Arthur Weldon, deceased.

PURSUANT to section 320 of Act X of 1865 and section 42 of Act XXVIII of 1866, notice is hereby given that all persons having claims against the estate of *Arthur Weldon, deceased*, formerly a hotel manager at Kurseong, in the district of Darjeeling, and late of No. 40 Gilmere Road, Lewisham in Kent, in England, who died at the Cancer Hospital, Broughton, in London in February 1904, should send in their claims to the undersigned on or before the 15th day of July next, after which date no claim will be admitted and the assets of the estate will be administered.

ORE, DIGNAM & Co.,

Attorneys for H. W. S. Sparkes, the executor.

32, Dalhousie Square, South, 13th June 1905.

(753-1-579)

INSOLVENT NOTICES.

In the matter of JOYGOPAL PAUL, an insolvent.

On Thursday, the 4th day of May last, it was ordered that the matters of the petition of the said insolvent be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

Monmotho Nath Sen, Attorney. (712-2)

In the matter of TULSER TELLY and another, insolvents.

On Wednesday, the 24th day of May last, it was ordered that the matters of the petition of the said insolvents be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

K. M. Rukshit, Attorney. (713-2)

In the matter of MAHOMED ALA BUKSH, an insolvent.

On Tuesday, the 7th day of March last, it was ordered that the matters of the petition of the said insolvent be heard on Tuesday, the 4th day of July next, and

that the said insolvent do then attend to be examined before the said Court.

R. K. Bysack, Attorney. (714-2)

In the matter of HABIB MOHAMMED and others, insolvents.

On Monday, the 15th day of May last, it was ordered that the matters of the petition of the said insolvents be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

Pugh & Co., Attorneys. (715-2)

In the matter of DANIEL SMITH, an insolvent.

On Friday, the 26th day of May last, it was ordered that the matters of the petition of the said insolvent be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

Insolvent in person. (716-2)

In the matter of JAMES MICHAEL DOYLE, an insolvent.

On Tuesday, the 2nd day of May last, it was ordered that the matters of the petition of the said insolvent be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

Insolvent in person. (717-2)

In the matter of SUNTOKE CHAND GOLECHA, an insolvent.

On Thursday, the 25th day of May last, it was ordered that the matters of the petition of the said insolvent be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

Bannerjee & Bannerjee, Attorneys. (718-2)

In the matter of JOHN MACJOHN, an insolvent.

On Monday, the 20th day of March last, it was ordered that the matters of the petition of the said insolvent be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

Pugh & Co., Attorneys. (719-2)

In the matter of WILLIAM SHEEHAM, an insolvent.

On Tuesday, the 2nd day of May last, it was ordered that the matters of the petition of the said insolvents be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

C. C. Mitter, Attorney. (720-2)

In the matter of MOTHURARAM TELLY, an insolvent.

On Friday, the 5th day of May last, it was ordered that the matters of the petition of the said insolvents be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

K. M. Rukshit, Attorney. (721-2)

In the matter of SHAIK HINGOO, an insolvent.

On Saturday, the 6th day of May last, it was ordered that the matters of the petition of the said insolvent be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

P. N. Paul, Attorney. (722-2)

In the matter of JASPER LAMPHIER, an insolvent.

On Wednesday, the 10th day of May last, it was ordered that the matters of the petition of the said insolvents be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

Insolvent in person. (723-2)

In the matter of DOYA CHAND KHETAN and another, insolvents.

On Friday, the 5th day of May last, it was ordered that the matters of the petition of the said insolvents be heard on Tuesday, the 4th day of July next, and that the said insolvents do then attend to be examined before the said Court.

K. M. Rukshit, Attorney. (724-2)

In the matter of N. D. SUTHERLAND, an insolvent.

On Thursday, the 1st day of June instant, it was ordered that the matters of the petition of the said insolvent be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

C. A. Smith, Attorney. (725-2)

In the matter of J. A. CASEY, an insolvent.

On Wednesday, the 31st day of May last, it was ordered that the matters of the petition of the said insolvent be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

Insolvents in person. (726-2)

In the matter of CHARAN DAS PAUL, an insolvent.

On Monday, the 29th day of May last, it was ordered that the matters of the petition of the said insolvent be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

Bannerjee Bannerjee, Attorneys. (727-2)

In the matter of SOSHEE BHUSAN COONDOO, and others, insolvents.

On Monday, the 8th day of May last, it was ordered that this matter be heard on Tuesday, the 4th day of July next, and that the said insolvents do then attend to be examined before the said Court.

A. K. Thakar, Attorney. (732-2).

In the matter of KAMINI MOHANA BASU, an insolvent.

On Tuesday, the 23rd day of May last, it was ordered that the matters of the petition of the said insolvent be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

Insolvent in person. (733-2)

In the matter of LUCHMI CHAND and MUDDEN GOPAUL, insolvents.

On Wednesday, the 17th day of May last, it was ordered that the matters of the petition of the said insolvents be heard on Tuesday, the 4th day of July next, and that the said insolvents do then attend to be examined before the said Court.

Insolvents in person. (734-2)

In the matter of JADU NATH SEN GUPTA, an insolvent.

On Wednesday, the 24th day of May last, it was ordered that the matters of the petition of the said insolvent be heard on Tuesday, the 4th day of July next, and that the said insolvent do then attend to be examined before the said Court.

S. D. Dutt & Gupta, Attorneys. (735-2)

In the matter of CICIL MURRAY MORSE PELL and FRANCIS HIGGINS PELL, insolvents.

On Saturday, the 6th day of May last, it was ordered that Tuesday, the 4th day of July next, be appointed for the further hearing of this matter and that unless cause be shewn to the contrary on that day the said insolvents be discharged personally as well as to their after acquired property from all liabilities for debts, claims and demands of and against the said insolvents at the time of the filing of their petition for relief.

(736-2)

In the matter of GONESH DASS AND OTHERS, insolvents (Hurdeo Das Gurdial).

On Tuesday, the 6th day of June instant, an account of the receipts and disbursements of the Official Assignee from the 20th day of January 1903 to the 31st day of May last, was filed in the Office of the Chief Clerk, and it was ordered that Tuesday, the 4th day of July next, be appointed for the further hearing of this matter for the purpose of making a dividend.

Any creditor or other person interested who may intend to establish or oppose any claim upon the estate of the said insolvents may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.

A. B. Miller, Official Assignee. (758-1)

In the matter of THOMAS ALEXANDER BLAKE, an insolvent.

On Tuesday, the 6th day of June instant, an account of the receipts and disbursements of the Official Assignee from the 14th day of January 1903 to the 31st day of May last, was filed in the Office of the Chief Clerk, and it was ordered that Tuesday, the 4th day of July next, be appointed for the further hearing of this matter for the purpose of making a dividend.

Any creditor or other person interested who may intend to establish or oppose any claim upon the estate of the said insolvent may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.

A. B. Miller, Official Assignee. (759-1)

In the matter of KANJEE JESHA and others, insolvents.

On Tuesday, the 6th day of June instant, an account of the receipts and disbursements of the Official Assignee from the 9th day of February 1904 to the 31st day of May last was filed in the Office of the Chief Clerk, and it was ordered that Tuesday, the 4th day of July next, be appointed for the further hearing of this matter for the purpose of making a dividend.

Any creditor or other person interested who may intend to establish or oppose any claim upon the estate of the said insolvent may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.

A. B. Miller, Official Assignee. (760-1)

In the matter of SIR ALLAN ARTHUR, KT., an insolvent (separate estate).

On Tuesday, the 6th day of June instant, an account of the receipts and disbursements of the Official Assignee from the 1st day of December 1904 to the 31st day of May last was filed in the Office of the Chief Clerk, and it was ordered that Tuesday, the 4th day of July next, be appointed for the further hearing of this matter for the purpose of making a dividend.

Any creditor or other person interested who may intend to establish or oppose any claim upon the estate of the said insolvent may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.

A. B. Miller, Official Assignee. (761-1)

In the matter of RADHA KISSEN MEMANY, an insolvent (Radhakissen Jetmull).

On Tuesday, the 6th day of June instant, an account of the receipts and disbursements of the Official Assignee from the 1st day of July 1902 to the 31st day of May last was filed in the Office of the Chief Clerk, and it was ordered that Tuesday, the 4th day of July next, be appointed for the further hearing of this matter for the purpose of making a dividend.

Any creditor or other person interested who may intend to establish or oppose any claim upon the estate of the said insolvent may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.

A. B. Miller, Official Assignee. (762-1)

In the matter of JOHN MICHAEL TALBOT, an insolvent.

On Tuesday, the 6th day of June instant, an account of the receipts and disbursements of the Official Assignee from the 15th day of March 1904 to the 31st day of May last was filed in the Office of the Chief Clerk, and it was ordered that Tuesday, the 4th day of July next, be appointed for the further hearing of this matter for the purpose of making a dividend.

Any creditor or other person interested who may intend to establish or oppose any claim upon the estate of the said insolvent may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.

A. B. Miller, Official Assignee. (763-1)

In the matter of RASH BEHARI DEY an insolvent.

Notice that an application for an *ad interim* protection order has been this day made by the said insolvent and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court on Monday, the 3rd day of July next, at the hour of half-past 10 o'clock in the forenoon.

Any creditor of the said insolvent desirous of opposing such application must appear before the said Court at the time and place aforesaid.

S. C. Basak, Attorney. (764-1)

In the Court of the District Judge of Hooghly.

In the matter of Shyama Charan Das, an insolvent. **SHYAMA CHARAN DAS**, of Nabagram, thana Serampore, district Hooghly, was, on the 16th day of June 1905, declared an insolvent and discharged under section 351, Civil Procedure Code, on the 21st idem.

G. K. DEB, District Judge.

Hooghly District Judge's Court, the 22nd June 1905.
(745-1-578)

NOTICE.

In the Court of the District Judge of Noakhali.

INSOLVENCY CASE No. 4 OF 1905.

PARBOTI CHARAN NAHA, son of Shib Chandra Naha of Amishapara, station Begumganj, in the district of Noakhali, was declared an insolvent on the 10th June 1905, and Nazir of this Court was appointed Receiver in the case.

RAJENDRA COOMAR BOSE, District Judge.
Noakhali, the 17th June 1905. (752-1-577)

Insolvency Notice.

NOTICE is hereby given that the undermentioned dividend is lying unclaimed:—

Estate Chooneelall Oswal and others, insolvents.

Nos.	Names of creditors.	Amount of claim.	1st dividend at Rs. 10 per cent.
		Rs. A. P.	Rs. A. P.
1	Bhimraj Hookum Chand	27,000 0 0	2,700 0 0
3	Allen Brothers	4,927 3 0	492 11 6
4	Sobul Chunder Chunder	6,518 2 3	651 13 0
5	Ullmann, Hirschhorn & Co.	979 0 0	97 14 5
6	Kettlowell, Bullen & Co.	2,877 0 0	287 11 2
7	Kerr, Tarruck & Co.	1,050 10 0	105 1 0
8	Anderson, Wright & Co.	961 4 0	96 2 0
9	Schroder, Smidt & Co.	984 6 0	98 7 0
10	Manick Chand, Tara Chand	5,477 6 0	547 11 10
11	B. Mookerjee	611 14 0	61 3 0
12	Johurmull Soogun Chand	2,458 1 6	245 12 11
15	Pem Chand Meera	726 12 0	72 10 10
18	Bhinaraj Sooltanmull	3,000 0 0	300 0 0
19	Kalooram Nathmull	2,500 0 0	250 0 0

A. B. MILLER, Official Assignee.
Calcutta, the 20th June 1905. (738-1)

CALCUTTA POST OFFICE NOTICE.

Mails for—	Date and hour of closing at the General Post Office, Calcutta.	Route by which despatched.
United Kingdom, Aden, Egypt, Europe, America, West Africa <i>via</i> United Kingdom and East Africa <i>via</i> Aden (and also South Africa, if superscribed on the cover <i>via</i> United Kingdom or Aden).	1905. June 29 At 6 30 P.M.	Per P. & O. steamer from Bombay.
Parcels and money-orders for the United Kingdom and other Foreign places.	" 28 5 P.M.; M.O., 4 P.M.	Ditto ditto.
* Australasian Colonies	July 3 At 7 30	<i>Via</i> Tuticorin and Colombo.*
+ Straits Settlements (also China and Japan, if the Steamer's name is superscribed on the cover).	June 30 " 8 30	Per steamer G. Apar.
Burma	" 29 " 7 30	Per B. I. S. N Co.'s steamer.
Burma, Penang and Singapore.	July 1 " 7 30	
Akyau, Kyaukpau and Sandoway.	June 30 " 7 30	
Burma, Tavoy and Mergui	July 3 " 7 30	Per steamer Surada from Colombo.
Mauritius, Reunion, Mayotte, and Nossi-Bé.	" 1 " 7 30	
Mauritius, Reunion, Mayotte, and Nossi-Bé (Supplemental)	" 2 " 7 30	
Port Blair	June 30 " 7 30	<i>Via</i> Madras.

* Although the date entered in column 2 is, as far as can be calculated, the latest safe date of posting for the next Mail

steamer, full allowance being made for the steamer being in advance of her published timing. Mails for the places mentioned in column 1 are despatched daily to Tuticorin, so that they may proceed by any steamer from Colombo that has been unusually accelerated or retarded, or by any special opportunity that may be afforded by a steamer not belonging to one of the regular lines.

+ Correspondence for China and Japan is despatched daily to Tuticorin, so that it may proceed by the first steamer from Colombo.

1. The letter-box for Inland articles will be cleared for the forenoon Mails at the following hours:—

For Goalundo, Arakan and Chittagong, at 5-45 A.M.

For Midnapore and Orissa districts, at 9 A.M.

For the Eastern districts, as far as Dacca and Mymensingh, at 6-15 A.M.

For Khulna and Jessore districts, at 7 A.M.

For Bombay, Central Provinces and Midnapore *via* Bengal-Nagpur Railway, at 11-15 A.M., and with a late fee of $\frac{1}{2}$ anna up to 11-40 A.M.

2. The letter-box will be cleared for the evening Mails at the following hours, viz.—

For the East Indian Railway Loop Mail, at 2-30 P.M., and with a late fee of $\frac{1}{2}$ anna up to 2-55 P.M.

For the Northern Bengal, Darjeeling and Assam Mails, at 3-25 P.M., and with a late fee of $\frac{1}{2}$ anna up to 3-50 P.M.

For the Bombay Mail *via* Jubbulpore, at 6 P.M., and with a late fee of $\frac{1}{2}$ anna up to 6-30 P.M.

For the Punjab Mail, at 7-30 P.M.
For Midnapore, Orissa, Madras Presidency and Ceylon, at 7-30 P.M. and with a late fee of $\frac{1}{2}$ anna up to 8 P.M. and with a late fee of 1 anna up to 8-45 P.M.
For the Khulna Mail, at 7-30 P.M.
For the Eastern Bengal Mail, Darjeeling, and places on the Darjeeling-Himalayan Railway, at 7-30 P.M.

3. Late registered letters will be received between the following hours:—

For the Bombay Mail *via* Jubbulpore, from 5 P.M. to 6-15 P.M.

For the Punjab Mail, from 6 P.M. to 7 P.M.

For the Eastern Bengal Mail, from 6 P.M. to 7 P.M.
For the Khulna Mail, from 6 P.M. to 7 P.M.

For Midnapore, Orissa, Madras Presidency and Ceylon, from 6 P.M. to 7 P.M.

NOTE.—The late fee on each registered letter will be 2 annas, which must be prepaid in stamps on the letter.

4. Articles for Burma and for Port Blair by sea are received without late fee up to 7-30 P.M., and with a late fee of $\frac{1}{2}$ anna up to 8 P.M.

5. On the latest safe day of despatch of Mails for the Australasian Colonies, or any other Foreign Countries, *via* Madras or Tuticorin, the letter-box for Foreign articles will be cleared for the last time at 7-30 P.M., and late letters and papers fully prepaid will be received up to 8-45 P.M.

6. On the day of despatch of the Mail for Europe (Thursday) the letter-box for Foreign articles will be cleared for the last time for articles, without the late fee, at 6-30 P.M., and late letters and papers fully prepaid will be received up to 6-45 P.M. Late registered articles will be received from 5 to 6 P.M. On the day of despatch of any Foreign Mail by sea, the letter-box will be cleared for the last time, without the late fee, up to 8-30 P.M., and late letters and papers up to 9 P.M. The late fee for Foreign articles is 4 annas, which must be prepaid in stamps affixed to the articles.

CALCUTTA G. P. O.,

The 26th June 1905.

JOHN OWENS,

Presidency Postmaster.

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Books required for the Public Service should be obtained through the Heads of Departments.

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NEW PUBLICATIONS ISSUED DURING THE CURRENT QUARTER.

APPOINTMENT DEPARTMENT.

Quarterly Civil List for Bengal, corrected up to 1st April 1905. Rs. 3. (4a.)

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Report on the Maritime Trade of Bengal for the official year 1904-05. F'cap. Paper cover Rs. 1 (2a.).

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- Kurukh Folk-lore in the original collected and transliterated by Revd. Ferd Hahn. F'cap. 4to, cloth. Rs. 2. (3a.)
- ✓ List of officers in the Subordinate Educational Service, Bengal, corrected up to 1st April 1905. F'cap. Paper cover. As. 8 (1a.).

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- The Chota Nagpur Rural Police Act, 1887 (Bengal Act V of 1887), as modified up to 1st June 1904, in Bengali. As. 2-6. (1a.).
- The Bengal Smoke Nuisances Act 1905 (Bengal Act III of 1905) in English or Hindi. As. 2 (1a.).
- The Indian Paper Currency Act 1905 (III of 1905) in Bengali or Uriya. As. 2. (1a.)
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- The Indian Railway Boards Act 1905, (IV of 1905) in Bengali, Hindi or Uriya. 6p. (1a.)

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- ✓ Administration Report on the Jails of Bengal for the year 1904. F'cap., boards. Paper cover. Rs. 3 (4a.).

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Classified List and Distribution Return of the Bengal Public Works Department, Establishment, corrected up to 31st March 1905. As. 4. (2a.).

REVENUE DEPARTMENT.

- A. Monograph on Gold and Silver Work in the Bengal Presidency. By D. N. Mookherjee, Assistant Director, Land Records and Agriculture. F'cap. Paper cover. Rs. 1-8. (2a.)
- ✓ Annual Report on the Survey Operations in Bengal during the year 1903-04. F'cap. Paper cover. Rs. 1 (2a.).
- ✓ Annual Progress Report on Forest Administration in the Lower Provinces of Bengal for the year 1903-04. F'cap. Paper cover. Rs. 1-4 (2a.).
- ✓ Annual Report of the Director of the Department of Land Records and Agriculture, Bengal, on Settlements and Land Records for the year ending 30th September 1904. F'cap. Paper cover. As. 8 (2a.).

An account of the Research work in Indigo carried out at Dalsing Sarai Research Station (under subsidy of the Government of Bengal) from 1903 to March 1904, by W. Popplewell Bloxam and H. M. Leake. F'cap. board. Paper cover. Rs. 5 (4a.).
 Report on an inquiry into the state of the Tasar Silk Industry in Bengal and the Central Provinces of India. By N. G. Mukerjee. F'cap. Paper cover. Rs. 2. (2a.)
 Annual Report of the Burdwan Experimental Farm for the year 1903-04. F'cap. Paper cover. As. 2. (1a.)

NEW PUBLICATIONS ISSUED BETWEEN 1ST OCTOBER 1904 AND THE 31ST MARCH 1905.

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Report on the Road and Public Works Cess Operations of the Lower Provinces for the official year 1903-04. F'cap. Paper cover. Rs. 2. (2a.)
 Report on the Administration of the Excise Department in the Lower Provinces of Bengal for the year 1903-04. F'cap. Paper cover. Rs. 2. (2a.)

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 General Report on Public Instruction in Bengal for 1903-04. F'cap. Paper. Re. 1-5-3. (2a.)
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Annual Report on the Police Administration of the Town of Calcutta and its suburbs for the year 1903. F'cap. Paper cover. Re. 1. (2a.)

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HOME DEPARTMENT.

Scientific Memoirs by Officers of the Medical and Sanitary Departments of the Government of India—Oriental or Delhi Sore by Captain S. P. James, M.B., I.M.S., New series, No. 13. Super-Royal 4to. Limp cover. 10a. or 1s. (3a.)

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Scientific Memoirs by Officers of the Medical and Sanitary Departments of the Government of India. The specificity of antivenomous Sera with special reference to a Serum prepared with the venom of Daboia Russellii by Captain George Lamb, M.D., I.M.S., New series, No. 16. Super-Royal 4to. Limp cover. 6a. or 7d. (2a.)

Imperial Library List of Additions, Third Series, with subject index, March 1905. No. 7, 8 and 9, Super-Royal 4to. Paper cover. 8a. or 9d. (2d.) each.

The Private Diary of Ananda Ranga Pillai, Vol. I, 1736 to 1746.—Dubash to Joseph Francois Dupleix, Knight of the Order of St. Michael, and Governor of Pondichery.—A record of Matters, Political, Historical, Social, and Personal, from 1736 to 1761. Translated from the Tamil by the order of the Government of Madras and Edited by Sir J. Frederick Price, K.C.S.I., late of the I.C.S., assisted by R. Rangachari, B.A. Rs. 3 or 4s. 6d. (7a.)

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 Fauna of British India, Butterflies. Vol. I, by Colonel C. T. Bingham. Royal 8vo. cloth. Rs. 15 or 22s. 6d. (7a.)
 Annual Report of the Director-General of Archaeology for the year 1903-04. Part I. Foolscep. Paper cover. 4a. or 5d. (1a.)

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 History of Services of the Officers of Engineer, Accounts and State Railway Revenue Establishments, corrected to 31st December 1904. Vols. I and II (complete). Royal 8vo. Board. Rs. 5 (9a.)

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- Report of the Indian Police Commission, 1902-03. Foolscap. Board. With appendices. Re. 1-8a. (7a.); without appendices, Re. 1-8a. (7a.)

DEPARTMENT OF REVENUE AND AGRICULTURE.

- Report of the Chief Inspector of Mines in India for the year ending 31st December 1903. Foolscap. Board. As. 12 or 1s. 2d. (2a.)
- Review of Forest Administration in British India for the year 1902-03. Foolscap. Paper cover. Re. 1-11 or 2s. 6d. (3a.)
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- Records of the Botanical Survey of India, Vol. IV, No. 1 (An Epitome of the British Indian Species of impatient by Sir J. D. Hooker, G.C.S.I., C.B., F.R.S. Part I. Royal 8vo. Paper cover. 3a. or 4d. (1a.)

- Records of the Botanical Survey of India, Vol. III, No. 2. The vegetation of the districts of Hughli, Howrah and the 24 Parganas, by D. Prain, Esq. Re. 1-12. or 2s. 8d. (3a.)
- Rules framed under section 20 of the Indian Mines Act, 1901 (VIII of 1901) prescribing the Compulsory submission of Annual returns of output and labour of Indian Mines. Foolscap. 0-0-6. (1a.)
- Rules for the Lease or Sale of Waste Lands in India. 1904 edition. Foolscap. Board. Rs. 4 or 6s. (8a.)
- Archæological Survey of India. Annual Report, 1902-03. Super-Royal. Cloth. Rs. 20 or £1 10s. (Re. 1 2a.)
- Annual Report of the Board of Scientific Advice for India for the year 1903-04. Foolscap. Paper cover. 6a. or 7d. (2a.)
- List of Officers in the Department of Revenue and Agriculture, Government of India, and the Departments subordinate to it, corrected to 1st January 1905. As. 8 or 8d. (2a.)

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- Report on the Political Administration of the Territories within the Central India Agency for 1902-03. Foolscap. Board. Re. 1 or 1s. 6d. (3a.)
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- Trade and Navigation Accounts of British India for the months of August, September and October 1904. Nos. 5, 6 and 7 of 1904-05. Royal 8vo. Stitched. 8a. or 9d. (2a.) each.
- Accounts of the External Land Trade of British India for the months of June, July and August 1904, Nos. 3, 4 and 5 of 1904-05. Royal 8vo. Stitched. 8a. or 9d. (2a.) each.
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- Area and yield of certain principal crops in India. Sixth issue. Foolscap. Paper cover. 5a. or 6d. (2a.)
- Sea-Borne Trade and Navigation Accounts of British India for the months of November, December 1904, January 1905. Nos. 8, 9 and 10 of 1904-05. Royal 8vo. Stitched. 8a. or 9d. (2a.)

Accounts of the External Land Trade of British India for the month of September, October 1904. Nos. 6, 7 and 8 of 1904 C5. Royal 8vo. Stitched. 8a. or 9d. (2a.)

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Tariff Schedules, 1905. Royal 8vo. Stitched. 6a. or 7d. (1a.)

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Selections from the Records of the Government of India in the Public Works Department, No. CCXXXVIII.—Relative Merits of Broad and Metre Gauge Lines of Railway. Foolscap. Board. 4a. or 5d. (1a. 6p.)

Classified List of the Subordinate Establishment corrected up to 31st December 1904. Royal 8vo. Paper. 4a. or 5d. (1a.)

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SOCIETY'S PUBLICATIONS.

Proceedings Nos. 9 and 10, at 8a.

BIBLIOTHECA INDICA.

Chaturvarga Chintamani. Vol. IV, Fasc. 3, at 6a.

Catasahasrika Prajnaparamita. Vol. II, Fasc. 9, at 6a.

Mahabhasyaprodipoddyota. Vol. III, Fasc. 1, at 6a.

Suddhi Kaumudi. Fasc. 3, at 6a.

Vidhana Parijata. Vol. I, Fasc. 7, at 6a.

*List of books published by the Meteorological Department
from 1st October 1904 to 31st March 1905.*

Monthly Weather Review, April to September 1904. (Illustrated by 6 plates.) Quarto. Paper cover. Re. 1 per month.
Indian Meteorological Memoirs, Vol. XVI. Part II. By Sir John Eliot. Quarto. Paper cover. Rs. 3.

*List of Books published by the Meteorological Department
during the current quarter.*

Monthly Weather Review, October 1904. (Illustrated by 6 plates.) Quarto. Paper cover. Re. 1.
Indian Meteorological Memoirs, Vol. XVI, Part II. By Sir John Eliot. Quarto. Paper cover. Rs. 3.
Annual Summary of the Monthly Weather Review, 1903. (Illustrated by 6 plates.) Quarto. Paper cover. Rs. 3.
Monthly Weather Review, November 1904. (Illustrated by 6 plates.) Quarto. Paper cover. Re. 1.
Monthly Weather Review for December 1905. (Illustrated by 6 plates.) Quarto. Paper cover. Re. 1.

*List of new books published by the Geological Survey of
India during the week ending 22nd April 1905.*

Records of the Geological Survey of India, Vol. XXXII, Part II. Re. 1.
Memoirs of the Geological Survey of India Palæontologia Indica. New Series. Vol. II. Memoir No. 2. Rs. 1.



The Calcutta Gazette.

WEDNESDAY, MARCH 22, 1905.

PART III.

Acts of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

THE following Acts, passed by the Lieutenant-Governor of Bengal in Council, received the assent of His Honour on the 7th March, 1905, and, having been assented to by His Excellency the Viceroy and Governor General on the 13th idem, are hereby published for general information:—

BENGAL ACT No. I OF 1905.

An Act to provide for the abolition of the Office of Commissioner in the Sundarbans.

WHEREAS it is expedient to abolish the Office of Commissioner in the Sundarbans;

And whereas the previous sanction of the Governor General has been obtained, under section 5 of the Indian Councils Act, 55 & 56 Viet., c. 14, 1892, to the passing of this Act;

It is hereby enacted as follows:—

Short title. 1. This Act may be called the Sundarbans Act, 1905.

Repeal of enactments. 2. The Sundarbans Regulation, 1816, and clause *Second* of IX of 1816, section 13 of the Bengal Land-Revenue Assessment (Resumed Lands) Regulation, 1828, and so much of the Repealing and III of 1828. Amending Act, 1903, as relates to the said Sundarbans Regulation, 1816, are hereby repealed.

Collectors to exercise powers and functions of Commissioner in the Sundarbans. 3. All the powers and functions heretofore vested in, and exercised by, the Commissioner in the Sundarbans in any district shall henceforth be vested in, and exerciseable by, the Collector of that district.

Construction of references in written instrument. 4. In every written instrument relating to land in the Sundarbans executed prior to the commencement of this Act all references to "the Commissioner in the Sundarbans" shall be construed as referring to the Collector of the district in which the land or any part of it is situated.

BENGAL ACT No. II OF 1905.

*An Act to repeal the Bengal Contagious Diseases
(Animals) Act, 1880.*

WHEREAS it is expedient to repeal the Bengal Contagious Diseases (Animals) Act, 1880; It is hereby enacted as follows:—

Short title
and commence-
ment.

1. (1) This Act may be called the Bengal Repealing Act, 1905; and

(2) It shall come into force on such day as may be appointed by the Local Government by notification in the Calcutta Gazette.

Repeal of
Bengal Act
VIII of 1880.

2. The Bengal Contagious Diseases (Animals) Act, 1880, is hereby repealed.

CALCUTTA;
The 20th March, 1905.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, MAY 3, 1905.

PART III.

Act of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

The following Act, passed by the Lieutenant-Governor of Bengal in Council, received the assent of His Honour on the 30th March, 1905, and, having been assented to by His Excellency the Viceroy and Governor General on the 24th April, 1905, is hereby published for general information:—

BENGAL ACT No. III of 1905.

An Act to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah, and to provide for the extension thereof to other areas in Bengal.

CONTENTS.

Section.

1. Short title and extent.
2. Power to extend Act.
3. Definitions.
4. Constitution of Commission.
5. Appointment of Inspectors.
6. Power to prohibit the erection of kilns or furnaces, or the manufacture of coke, in specified areas.
7. Power to order demolition of kilns or furnaces erected within prohibited areas.
8. Penalty when smoke is emitted to a greater extent than is permitted by rules.
9. Powers of Inspectors.
10. Rules.
11. Cognizance of offences.
12. Disposal of fines.
13. Repeal.

BENGAL ACT No. III of 1905.

An Act to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah, and to provide for the extension thereof to other areas in Bengal.

WHEREAS it is expedient to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah, and to provide for the extension thereof to other areas in Bengal;

It is hereby enacted as follows:—

Short title and
extent.

1. (1) This Act may be called the Bengal Smoke-nuisances Act, 1905; and

(2) It extends in the first instance to—

(a) the town of Calcutta, as defined in section 3 of the Calcutta Police Act, 1866;

Ben. Act IV of 1866.

(b) the suburbs of Calcutta, as for the time being defined by notifications published under section 1 of the Calcutta Suburban Police Act, 1866, and

Ben. Act II of 1866.

(c) the station of Howrah, as described in the Schedule to the Howrah Offences Act, 1857.

XXI of 1857.

Power to ex-
tend Act.

2. (1) The Local Government may, by notification published in the Calcutta Gazette and in such other manner (if any) as the Local Government may determine, declare its intention to extend this Act to any specified area in Bengal other than the areas mentioned in section 1, sub-section (2):

Provided that, if a military cantonment is situated within any area to which it is proposed to extend this Act, no notification shall be published under this sub-section in respect of such area without the previous sanction of the Governor General in Council.

(2) Any inhabitant of an area to which it is proposed to extend this Act may, if he objects to such extension, submit his objection in writing to the Local Government within a period of three months from the publication of the said notification in the Calcutta Gazette.

(3) At any time after the expiration of the said period, and after considering the objections (if any) submitted under sub-section (2), the Local Government may, by notification in the Calcutta Gazette, extend this Act to the said area.

Definitions.

3. In this Act,—

(1) “furnace” means any furnace or fire-place used—

(a) for working engines by steam, or

(b) for the purpose of carrying on any trade, manufacture or industry, in cases not falling under clause (a):

Provided that a furnace or fire-place used for any of the following purposes shall not be deemed to be a furnace within the meaning of this Act, namely:—

(i) household or domestic purposes;

(ii) the raising of steam on ocean-going steamers within such period prior to their leaving the port, or to their moving from one part to another thereof, as may be prescribed by rule made under section 10, sub-section (2), clause (f), or

(iii) the burning of the dead;

(2) "Inspector" means a Chief Inspector of Smoke-nuisances, or an Assistant Inspector of Smoke-nuisances, appointed under this Act;

(3) "the Commission" means the Bengal Smoke-nuisances Commission constituted under this Act;

(4) the expression "owner," when used with reference to a furnace, includes any agent or hirer using the furnace, and any foreman or other person superintending the working of the furnace; and

(5) "Magistrate" means a Presidency Magistrate, a Magistrate of the first class or a Bench of Magistrates exercising first class powers under the Code of Criminal Procedure.

**Constitution
of Commission.**

4. (1) The Local Government shall, by notification in the Calcutta Gazette, constitute a Commission, to be called the Bengal Smoke-nuisances Commission, to supervise and control the working of this Act.

(2) The said Commission shall consist of a President and so many other members as the Local Government may determine.

(3) One-half of the members (exclusive of the President) shall be officials nominated by the Local Government and the remainder shall be non-officials nominated in such manner as the Local Government may direct by bodies or associations whose interests are likely to be affected by this Act.

(4) Subject to the provisions of sub-section (3), all members of the Commission shall be appointed, and all vacancies in the Commission shall, as occasion requires, be filled up by the Local Government by notification in the Calcutta Gazette.

(5) No act done by the Commission shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Commission.

**Appointment
of Inspectors.**

5. (1) The Local Government may, by notification in the Calcutta Gazette, appoint a Chief Inspector of Smoke-nuisances and so many Assistant Inspectors of Smoke-nuisances as it may think fit.

(2) Every Assistant Inspector appointed under sub-section (1) shall be subordinate to the Chief Inspector, and all Inspectors shall be subordinate to, and subject to the control of, the Commission.

**Power to pro-
hibit the erec-
tion of kilns or
furnaces, or the
manufacture of
coke in speci-
fied areas.**

6. (1) The Local Government may, by notification in the Calcutta Gazette, prohibit, within any specified area,—

- (a) the erection of brick, tile or lime kilns,
- (b) the erection of furnaces to be used for the calcining or smelting of ores or minerals, or for the casting, puddling or rolling of iron or other metals, or for the conversion of pig-iron into wrought-iron, or
- (c) the manufacture of coke, in ovens, or with special appliances, or
- (d) the making of coke without ovens or special appliances:

Provided that, where prior to the issue of such notification a license has been granted by the Chairman of the Calcutta Corporation under the provisions of Chapter XXXIII of the Calcutta Municipal Act, 1899, for the erection of a furnace to be used for any of the purposes mentioned in clauses (a) and (b), or for the manufacture of coke as described in clauses (c) and (d), such notification shall not affect such furnace or such manufacture.

Ben. Act III of 1899.

(2) If any kiln or furnace be erected in contravention of any notification issued under sub-section (1), clause (a) or clause (b), the owner thereof shall be liable to fine which may extend to two hundred and fifty rupees.

(3) If any person manufactures coke in contravention of any notification issued under sub-section (1), clause (c), he shall be liable to fine which may extend, on a first conviction, to two hundred and fifty rupees, and on any subsequent conviction to five hundred rupees.

(4) If any person makes coke in contravention of any notification issued under sub-section (1), clause (d), he shall be liable to fine which may extend, on a first conviction, to twenty-five rupees, and on any subsequent conviction to fifty rupees.

Power to order demolition of kilns or furnaces erected within prohibited areas.

7. (1) Whenever a Magistrate imposes a fine on any person under section 6, sub-section (2), for erecting a kiln or furnace in contravention of any notification issued under section 6, sub-section (1), clause (a) or clause (b), he may by order direct such person to demolish the kiln or furnace within a period to be specified on the order.

(2) If any person fails to demolish any kiln or furnace within the period prescribed in any such order, or within such longer period as the Magistrate may, for special reason, allow, he shall be liable to fine which may extend to twenty rupees for every day thereafter during which such failure continues.

Penalty when smoke is emitted to a greater extent than is permitted by rules.

8. (1) If smoke be emitted from any furnace in greater density, or at a lower altitude, or for a longer time than is permitted by rules made under this Act, the owner of the furnace shall be liable to fine which may extend, on a first conviction, to fifty rupees, on a second conviction to one hundred rupees, and on any subsequent conviction to two hundred rupees.

(2) Sub-section (1) shall not apply to any furnace which is used—

- (a) in connection with a brick, tile or lime kiln, or
- (b) for any of the purposes mentioned in clause (b), clause (c), or clause (d) of section 6.

Powers of Inspectors.

9. (1) An Inspector may, after giving reasonable notice in writing to the owner, manager, engineer or person in charge,—

- (a) enter and inspect, during working-hours, any building or place which contains a furnace, and inspect such furnace;
- (b) under the written authority of the Commission, use and test any appliance used for preventing the emission of smoke from any such furnace; and
- (c) under the written authority of the Commission, direct that any such furnace be worked or stoked experimentally, during his visit to such building or place, in any manner which he may consider suitable for preventing or reducing the emission of smoke, but not so as to interfere with the business carried on in such building or place further than is necessary for the purposes of the experiment.

(2) If any owner of a furnace in respect of which a direction is given under clause (c) fails to secure compliance with such direction, he shall be liable to fine which may extend to one hundred rupees.

Rules.

10. (1) The Local Government may, with the previous sanction of the Governor General in Council, and after previous publication, make rules to carry out the objects of this Act.

(2) In particular, and without prejudice to the generality of sub-section (1), such rules may—

- (a) regulate the transaction of business by the Commission;
- (b) prescribe the powers and duties to be exercised and performed by the Commission and by Inspectors, respectively, and regulate the exercise and performance of those powers and duties;
- (c) prescribe a scale for the purpose of determining the density of smoke;
- (d) prescribe the density of smoke that may be emitted from a furnace;
- (e) prescribe the time during which smoke of such density may be emitted from a furnace;

- (f) prescribe the period during which, for the purpose of raising steam prior to leaving, the port or to moving from one part to another thereof, the furnaces of ocean-going vessels shall not be held to be furnaces within the meaning of this Act;
- (g) prescribe the altitude below which smoke may not be emitted from a furnace;
- (h) prescribe a procedure for the giving of warning to offenders before instituting a prosecution under this Act, and declare the minimum period which should be allowed to elapse in different classes of cases between the giving of such warning and the institution of a prosecution; and
- (i) authorise the payment of a fee, not exceeding thirty-two rupees, to each or any member of the Commission attending a meeting of the Commission.

(3) The date to be specified in accordance with clause (3) of section 24 of the Bengal General Clauses Act, 1899, as that after which a draft of rules proposed to be made under this section will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

Ben. Act I of 1899.

(4) Any rule to be made under this Act shall, before it is published for criticism under sub-section (1), be referred to the Commission constituted under section 4, and the rule shall not be so published until the said Commission has reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

(5) All rules made under this section shall be published in the Calcutta Gazette.

Cognizance of
offences.

11. A Magistrate may take cognizance of an offence against this Act only—

- (a) upon a complaint made by, or with the written authority of, the Chief Inspector, and
- (b) within a period of two months from the date of the commission of the offence.

Disposal of
cases.

12. All fines recovered under this Act shall be disposed of in such manner as the Local Government may direct.

Repeal.

13. The Calcutta and Howrah Smoke-nuisances Act, 1863, is repealed.

Ben. Act II of 1863.

CALCUTTA;
The 2nd May, 1905.

F. G. WIGLEY,
Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, JANUARY 11, 1905.

PART IV.

Bills of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

THE following Bills were introduced in the Council of the Lieutenant-Governor of Bengal on the 7th January, 1905, and are hereby published for information, together with the Statements of Objects and Reasons:—

THE BENGAL SMOKE-NUISANCES BILL, 1904.

CONTENTS.

CLAUSE

1. Short title and extent.
2. Power to extend Act.
3. Definitions.
4. Constitution of Commission.
5. Appointment of Inspectors.
6. Power to prohibit the erection of kilns or furnaces, or the manufacture of coke, in specified areas.
7. Penalty when smoke is emitted to a greater extent than is permitted by rules.
8. Construction, alteration or fitting of furnaces.
9. Sections 7 and 8 not to apply to certain furnaces.
10. Powers of Inspectors.
11. Rules.
12. Cognizance of offences.
13. Disposal of fines.
14. Repeal.

[Explanation of marginal references :—

The letter "R" means the Report on the abatement of smoke-nuisance in Calcutta, dated the 14th July, 1903, by Mr. Frederick Grover, A.M.I.C.E.

The expression "Steam-boiler Rules" means the rules made under the Bengal Steam-boilers and Prime-movers Act, 1879 (Ben. Act III of 1879), which were published in the Calcutta Gazette of the 10th February, 1904, Part I, page 264.]

A

BILL

To amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah, and to provide for the extension thereof to other areas in Bengal.

WHEREAS it is expedient to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah, and to provide for the extension thereof to other areas in Bengal;

It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Bengal Smoke-nuisances Act, 1905; and

(2) It extends in the first instance to—

(a) the town of Calcutta, as defined in section 3 of the Calcutta Police Act, 1866;

(b) the suburbs of Calcutta, as for the time being defined by notifications published under section 1 of the Calcutta Suburban Police Act, 1866, and

(c) the station of Howrah, as described in the Schedule to the Howrah Offences Act, 1857.

[R. 144-I.]
[Cf. Ben. Act II of 1863, ss. 1, 5; Ben. Act III of 1903, s. 1 (2).]
Ben. Act IV of 1866.

Ben. Act II of 1866.

XXI of 1857.

Power to extend Act.

2. (1) The Local Government may, by notification published in the Calcutta Gazette and in such other manner (if any) as the Local Government may determine, declare its intention to extend this Act to any specified area in Bengal other than the areas mentioned in section 1, sub-section (2):

[R. 144-I.]
[Cf. Ben. Act III of 1899, s. 636.]

Provided that, if a military cantonment is situated within any area to which it is proposed to extend this Act, no notification shall be published under this sub-section in respect of such area without the previous sanction of the Governor-General in Council.

(2) Any inhabitant of an area to which it is proposed to extend this Act may, if he objects to such extension, submit his objection in writing to the Local Government within a period of six weeks from the publication of the said notification in the Calcutta Gazette.

[Cf. Ben. Act III of 1899, s. 637.]

(3) At any time after the expiration of the said period, and after considering the objections (if any) submitted under sub-section (2), the Local Government may, by notification in the Calcutta Gazette, extend this Act to the said area.

Definitions.

3. In this Act,—

(1) "furnace" means any furnace or fire-place used—

[R. 144-I.]
[Cf. Ben. Act II of 1863, s. 1.]

(a) for working engines by steam, or

(b) for the purpose of carrying on any trade, manufacture or industry, in cases not falling under clause (a):

(Smoke-Nuisances.—Clauses 4-6.)

Provided that a furnace or fire-place used for any of the following purposes shall not be deemed to be a furnace within the meaning of this Act, namely:—

(i) household or domestic purposes, or

(ii) the raising of steam on ocean-going steamers not moored or anchored and not lying in dock;

(2) "Inspector" means a Chief Inspector of Smoke-nuisances, or an Assistant Inspector of Smoke-nuisances, appointed under this Act; [R. 144-I.]

(3) "the Commission" means the Bengal Smoke-nuisances Commission constituted under this Act; and

(4) the expression "owner," when used with reference to a furnace, includes any agent or hirer using the furnace, and any foreman or other person superintending the working of the furnace. [Cf. Ben. Act III of 1879, s. 3.]

Constitution
of Commission.

4. (1) The Local Government shall, by notification in the Calcutta Gazette, constitute a Commission, to be called the Bengal Smoke-nuisances Commission, to supervise and control the working of this Act. [Cf. Act IX of 1903, s. 4.]

(2) The said Commission shall consist of a President and so many other members as the Local Government may determine.

(3) One-half of the members (exclusive of the President) shall be officials, and the remainder shall be non-officials selected to represent interests likely to be affected by this Act.

(4) All members of the Commission shall be appointed, and all vacancies in the Commission shall, as occasion requires, be filled up, by the Local Government by notification in the Calcutta Gazette.

(5) No act done by the Commission shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Commission.

Appointment
of Inspectors.

5. The Local Government may, by notification in the Calcutta Gazette, appoint a Chief Inspector of Smoke-nuisances and so many Assistant Inspectors of Smoke-nuisances as it may think fit. [R. 144-II, IV.]

Power to pro-
hibit the erec-
tion of kilns or
furnaces, or the
manufacture of
coke, in speci-
fied areas.

6. (1) The Local Government may, by notification in the Calcutta Gazette, prohibit, within any specified area,— [R. 144-III.]

(a) the erection of brick or lime kilns,

(b) the erection of furnaces to be used for the calcining or smelting of ores or minerals, or for the casting, puddling or rolling of iron or other metals, or for the conversion of pig-iron into wrought-iron, or

(c) the manufacture of coke, in ovens, or with special appliances, or

(d) the making of coke without ovens or special appliances.

(2) If any kiln or furnace be erected in contravention of any notification issued under sub-section (1), clause (a) or clause (b), the owner thereof shall be liable to fine which may extend, on a first conviction, to five hundred rupees, and on any subsequent conviction to one thousand rupees. [R. 144-IX (b).]

(3) If any person manufactures coke in contravention of any notification issued under sub-section (1), clause (c), he shall be liable to fine which may extend, on a first conviction, to five hundred rupees, and on any subsequent conviction to one thousand rupees. [R. 144-IX (b).]

(4) If any person makes coke in contravention of any notification issued under sub-section (1), clause (d), he shall be liable to fine which may extend to fifty rupees. [R. 144-IX (d).]

(Smoke-Nuisances.—Clauses 7-11.)

Penalty when smoke is emitted to a greater extent than is permitted by rules.

7. If smoke be emitted from any furnace in greater density or for a longer time than is permitted by rules made under this Act, the owner of the furnace shall be liable to fine which may extend, on a first conviction, to fifty rupees, on a second conviction to one hundred rupees, and on any subsequent conviction to two hundred rupees. [R. 144-IX (c).] [Cf. Ben. Act. II of 1863, s. 1.]

Construction, alteration or fitting of furnaces.

8. (1) The Local Government may, by notification in the Calcutta Gazette, appoint a period within which every furnace must be constructed, altered or fitted with appliances in such manner as to prevent the smoke therefrom being emitted into the atmosphere in greater density or for a longer time than is permitted by rules made under this Act. [R. 144-II.] [Cf. Ben. Act. II of 1863, s. 1.]

(2) If any furnace be not constructed, altered or fitted within the period appointed under sub-section (1) and in the manner required by that sub-section, the owner thereof shall be liable to fine which may extend to one thousand rupees.

Sections 7 and 8 not to apply to certain furnaces.

9. Sections 7 and 8 shall not apply to any furnace which is used—

- (a) in connection with a brick or lime kiln, or
- (b) for any of the purposes mentioned in clause (b), clause (c) or clause (d) of section 6.

Powers of Inspectors.

10. (1) An Inspector may—

- (a) without notice, enter and inspect, during working-hours, any building or place which contains a furnace; and inspect such furnace;
- (b) use and test any appliance used for preventing the emission of smoke from any such furnace; and
- (c) direct that any such furnace be worked or stoked experimentally, during his visit to such building or place, in any manner which he may consider suitable for preventing or reducing the emission of smoke, but not so as to interfere with the business carried on in such building or place further than is necessary for the purposes of the experiment.

(2) If any owner of a furnace in respect of which a direction is given under clause (c) fails to secure compliance with such direction, he shall be liable to fine which may extend to five hundred rupees.

Rules.

11. (1) The Local Government may, with the previous sanction of the Governor General in Council, and after previous publication, make rules to carry out the objects of this Act. [R. 144-VI.]

(2) In particular, and without prejudice to the generality of sub-section (1), such rules may—

- (a) regulate the transaction of business by the Commission; [New. Cf. the Steam-boiler Rules, I, I (a), II.]
- (b) prescribe the powers and duties to be exercised and performed by the Commission and by Inspectors, respectively, and regulate the exercise and performance of those powers and duties; [R. 144-V(d); VI (c); Steam-boiler Rules III to V, VI, IX, XV, XVII; Cf. Ben. Act III of 1879, s. 4 (2).]
- (c) prescribe a scale for the purpose of determining the density of smoke; [R. 144-VI (c).]
- (d) prescribe the density of smoke that may be emitted from a furnace; [R. 144-VI (a).]
- (e) prescribe the time during which smoke of such density may be emitted from a furnace; [R. 144-VI (b).]
- (f) prescribe a procedure for the giving of warning to offenders before instituting a prosecution under this Act, and declare the minimum period which should be allowed to elapse in different classes of cases between the giving of such warning and the institution of a prosecution; and [R. 144-VI (d), 148.]
- (g) authorise the payment of a fee, not exceeding thirty-two rupees, to each or any member of the Commission attending a meeting of the Commission. [Steam-boiler Rules, V(a); Cf. Ben. Act III of 1899, s. 100.]

(3) All rules made under this section shall be published in the Calcutta Gazette.

(Smoke-Nuisances.—Clauses 12-14.)

- Cognizance of offences.** 12. A Magistrate may take cognizance of an offence against this Act only—
 (a) upon the complaint of an Inspector, and
 (b) within a period of six months from the date of the commission of the offence. [Cf. Ben. Act III of 1879, s. 12; Ben. Act II of 1863, s. 4.]
- Disposal of fines.** 13. All fines recovered under this Act shall be disposed of in such manner as the Local Government may direct. [Cf. Ben. Act II of 1863, s. 7; Ben. Act III of 1879, s. 13.]
- Repeal.** 14. The Calcutta and Howrah Smoke-nuisances Act, 1863, is repealed. Ben. Act II of 1863.

STATEMENT OF OBJECTS AND REASONS.

AN Act for the abatement of smoke-nuisances in Calcutta, the Suburbs of Calcutta, and Howrah was passed over forty years ago, being Act II of 1863 of the Bengal Legislative Council. That Act has proved insufficient to secure the object in view; and the erection of numerous mills and factories in the neighbourhood of Calcutta has rendered it all the more necessary to amend the law. In the year 1903 Mr. Frederick Grover, A.M.I.C.E., was engaged by the Secretary of State for India to come to Calcutta and examine the question. Mr. Grover submitted his report in July of the same year, and the object of the present Bill is to give effect to some of his recommendations. The principal provisions of the Bill are explained in the following notes:—

NOTES ON CLAUSES.

1. *Clauses 1 and 2.*—The Bill, like Bengal Act II of 1863, is declared by clause 1 to extend to the town and suburbs of Calcutta and the station of Howrah. It is, however, proposed in clause 2 to take power to extend the new law to other areas in Bengal as occasion may require.

2. *Clause 3* defines the word “furnace” as used in the Bill. A proviso has been added to exclude from the purview of the Bill furnaces and fire-places used for household or domestic purposes, and ocean-going steamers moving on the river.

3. *Clause 4* provides for the constitution of a Commission to supervise and control the working of the new law, while *clause 5* provides for the appointment of Inspectors of Smoke-nuisances.

4. *Clause 6* empowers the Local Government, in accordance with Mr Grover’s recommendation, to prohibit, within any specified area, the erection of brick or lime kilns, or of furnaces for heating metals, or the making of coke. The emission of smoke from furnaces used for such purposes cannot be abated by any means yet known; and the only practicable course is to take power to prevent the erection of new furnaces in particular areas.

5. *Clause 7* may be regarded as the most important clause in the Bill. It authorises the imposition of fines when smoke is emitted in quantities in greater density or for a longer time than is permitted by rules to be made under clause 11, whatever may be the cause, and whatever appliances may be used for diminishing the nuisance. It is the absence of such a clause that led to the failure of Bengal Act II of 1863. The clause embodies one of Mr. Grover’s recommendations, and does no more than give effect to the principles, declared in section 268 of the Indian Penal Code, that “a person is guilty of a public nuisance who does any act . . . which causes any . . . annoyance to the public,” and that “a common nuisance is not excused on the ground that it causes some convenience or advantage.”

6. *Clause 8* empowers the Local Government to appoint a period within which furnaces must be constructed, altered or fitted with appliances in such manner as to prevent smoke being emitted in greater density or for a longer time than is permitted by rules to be made under clause 11. The clause is for the most part practically a reproduction of section 1 of the existing Act, II of 1863.

7. *Clause 10* confers on Inspectors powers of entry, inspection and testing, and also authorises them to direct experimental working with a view to testing methods of preventing or reducing the emission of smoke.

8. *Clause 11* gives power to make rules to carry out the objects of the new law. Its principal provisions are those which authorise the making of rules for prescribing the density of smoke that may be emitted from a furnace, the time during which smoke of such density may be emitted, and the giving of warnings to offenders before instituting prosecutions.

The 17th December, 1904.

R. W. CARLYLE.

THE SUNDARBANS BILL, 1904.

A

BILL

To provide for the abolition of the Office of Commissioner in the Sundarbans.

WHEREAS it is expedient to abolish the Office of Commissioner in the Sundarbans ;

And whereas the previous sanction of the Governor General has been obtained, under section 5 of the Indian Councils Act, 55 & 56 Vict., c. 14, 1892, to the passing of this Act ;

It is hereby enacted as follows :—

- | | | |
|---|--|---------------------------|
| Short title. | 1. This Act may be called the Sundarbans Act, 1905. | |
| Repeal of enactments. | 2. The Sundarbans Regulation, 1816, and so much of the Repealing and Amending Act, 1903, as relates to that Regulation, are hereby repealed. | IX of 1816.
I of 1903. |
| Amendment of Bengal Regulation III of 1828. | 3. In clause <i>Second</i> of section 13 of the Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1828,— | III of 1828. |
| | (a) for the words "Commissioner of the Sundarbans" and "Commissioner" the words "Deputy Collector" shall be substituted, and | |
| | (b) for the word "Commissioner's," in both places in which it occurs, the words "Deputy Collector's" shall be substituted. | |

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide for the abolition of the office of Commissioner in the Sundarbans ; and its provisions are confined to the repeal of Regulation IX of 1816, by which that office was constituted, and the amendment of references to the said office in Regulation III of 1828.

2. It is intended that the administration of the Sundarbans should, after the Bill becomes law, be carried on by the Collectors of the districts in which these tracts are situated, with the assistance of a Deputy Collector or of Deputy Collectors.

L. HARE.

The 16th December, 1904.

CALCUTTA ;
The 10th January, 1905.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, FEBRUARY 15, 1905.

PART IV.

Bills of the Bengal Council.

GOVERNMENT OF BENGAL.
LEGISLATIVE DEPARTMENT.

THE following Bill was introduced in the Council of the Lieutenant-Governor of Bengal on the 11th February, 1905, and is hereby published for information, together with the Statement of Objects and Reasons:—

THE BENGAL REPEALING BILL, 1905.

A

BILL

To repeal the Bengal Contagious Diseases (Animals) Act, Ben. Act VIII of 1880.

WHEREAS it is expedient to repeal the Bengal Contagious Diseases (Animals) Act, 1880; It is hereby enacted as follows:— Ben. Act VIII of 1880.

Short title
and commence-
ment.

1. (1) This Act may be called the Bengal Repealing Act, 1905; and

(2) It shall come into force on such day as may be appointed by the Local Government by notification in the Calcutta Gazette.

Repeal of
Bengal Act
VIII of 1880.

2. The Bengal Contagious Diseases (Animals) Act, 1880, is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

It is intended to introduce the Glanders and Farcy Act, 1899 (XIII of 1899), by notification under section 3 thereof, into all the areas in which Bengal Act VIII of 1880 is at present in force. The introduction of the former Act into those areas will render it unnecessary to retain the latter Act on the Statute Book. It is, accordingly, proposed to repeal Bengal Act VIII of 1880.

The 6th February, 1905.

A. EARLE.

CALCUTTA;
The 14th February, 1905. }

L. C. ADAMI,
Offg. Secy. to the Bengal Council.

THE following Report of the Select Committee, together with the Bill as amended by them, is, by order of the President, published for information :—

REPORT OF THE SELECT COMMITTEE ON THE BILL TO PROVIDE FOR THE ABOLITION OF THE OFFICE OF COMMISSIONER IN THE SUNDARBANS.

WE, the undersigned Members of the Select Committee appointed to consider the Bill to provide for the abolition of the Office of Commissioner in the Sundarbans, have considered the Bill and the paper noted in the margin, and have the honour to submit this our Report, with the Bill as amended by us annexed hereto.

Letter No. 15R.L., dated Calcutta, the 23rd January, 1905, from the Hon'ble Mr. E. W. Collin, I.C.S., Commissioner, Presidency Division.

2. The amendments which we have made are printed in italics, and are explained in the following paragraphs.

3. *Clause 3 of the Bill as introduced.*—On consideration we are agreed that clause *second* of section 13 of Regulation III of 1828 deals only with the original demarcation of the outside boundary of the Sundarban jungle. As this boundary has already been demarcated, and the clause *second* in no way refers to the settlement and general administration of the Sundarbans tracts, we find that no good purpose will be served by the amendment of any portion of section 13 of the Regulation. We advise, therefore, that clause 3 should be omitted from the Bill as introduced.

4. *Clause 3.*—By section 2 of Regulation IX of 1816 the Commissioner in the Sundarbans was vested with all the duties, powers and authority (including the charge of the ábkári máhal) which would ordinarily be exercised by the Collector of a district. Though, on abolition of the Office of Commissioner in the Sundarbans, these duties, powers and authority would naturally revert to the Collector (and in fact they actually did so when the Commissionership was for a period held in abeyance), we consider it advisable that it should be clearly enacted that the respective Collectors shall resume them.

5. *Clause 4.*—Grants, leases, agreements and *amalnamas* relating to land in the Sundarbans have generally contained references to action to be taken by the Commissioner in the Sundarbans. This wording may give rise to difficulties under the proposed administration. The new clause 4 will make provision for interpretation in such circumstances, and has been drawn to include such references in any written instrument relating to land in the Sundarbans.

6. We recommend that the Bill, as now amended, be passed.

L. HARE.
P. O'KINEALY.
E. W. COLLIN.
A. EARLE.
BHUPENDRA NATH BASU.

CALCUTTA;

The 6th February, 1905.

(AS AMENDED BY THE SELECT COMMITTEE.)

A

BILL

To provide for the abolition of the Office of Commissioner in the Sundarbans.

WHEREAS it is expedient to abolish the Office of Commissioner in the Sundarbans;

And whereas the previous sanction of the Governor General has been obtained, under section 5 of the Indian Councils Act, 55 & 56 Viet., c. 14, 1892, to the passing of this Act;

It is hereby enacted as follows:—

Short title. 1. This Act may be called the Sundarbans Act, 1905.

Repeal of enactments. 2. The Sundarbans Regulation, 1816, and so much of the Repealing and Amending Act, 1903, as relates to that Regulation, are hereby repealed. IX of 1816. I of 1903.

Collectors to exercise powers of Commissioner in the Sundarbans. 3. All the powers and functions heretofore vested in and exercised by the Commissioner in the Sundarbans in any district shall henceforth be vested in and exerciseable by the Collector of that district. [Cf. Reg. IX of 1816, s. 2.]

References in written instruments to the Commissioner in the Sundarbans. 4. In every written instrument relating to land in the Sundarbans executed prior to the commencement of this Act, all references to "the Commissioner in the Sundarbans" shall be construed as referring to the Collector of the district in which the land or any part of it is situated.

CALCUTTA;

L. C. ADAMI,

The 14th February, 1905.

Offg. Secy. to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, MARCH 8, 1905.

PART IV.

Bills of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

No. 92T.—The 6th March, 1905.—The following Report of the Select Committee on the Bengal Smoke-nuisances Bill, 1904, together with the Bill as amended by the Committee, is, by order of the President, published for information :—

REPORT OF THE SELECT COMMITTEE ON THE BENGAL SMOKE-NUISANCES BILL, 1904.

WE, the undersigned, Members of the Select Committee appointed to

1. Letters Nos. 17T. to 26T., dated the 12th January, 1905, inviting opinions on the provisions of the Bill. (Paper No. 1.)
2. (a) Letter No. 102, dated the 13th January, 1905, from the Master of the Mint, Calcutta; and (b) Letter, dated the 13th January, 1905, from the Secretary, Calcutta Trades Association. (Paper No. 2.)
3. (a) Letter No. 57-1905, dated the 13th January, 1905, from the Secretary, Bengal Chamber of Commerce; and (b) Letter No. 15759H., dated the 13th January, 1905, from the Chairman of the Corporation of Calcutta. (Paper No. 3.)
4. Letter No. 928, dated the 13th January, 1905, from the Secretary, Bengal National Chamber of Commerce. (Paper No. 4.)
5. Letter No. 239, dated the 13th January, 1905, from the Magistrate of the 24-Parganas. (Paper No. 5.)
6. Letters Nos. 34T. to 43T., dated the 16th January, 1905, to certain officers and Associations. (Paper No. 6.)
7. Letter No. 758.B., dated the 17th January, 1905, from the Secretary to the Sanitary Board, Bengal. (Paper No. 7.)
8. Letter No. 15861H., dated the 16th January, 1905, from the Chairman of the Corporation of Calcutta. (Paper No. 8.)
9. Letter, dated the 25th January, 1905, from the Secretary, Calcutta Trades Association. (Paper No. 9.)
10. Letter No. 354, dated the 27th January, 1905, from the Honorary Secretary, British Indian Association. (Paper No. 10.)
11. Letter No. 231G.-Mis., dated the 31st January, 1905, from the Commissioner, Presidency Division. (Paper No. 11.)
12. Demi-official letter, dated the 30th January, 1905, from the Hon'ble Babu Ambika Charan Mazumdar. (Paper No. 12.)
13. Letter No. 6932, dated the 31st January, 1905, from the Vice-Chairman, Commissioners for the Port of Calcutta. (Paper No. 13.)
14. Letter No. 22D., dated the 6th February, 1905, from the Secretary, Indian Jute Mills' Association. (Paper No. 14.)
15. Letter No. 935, dated the 8th February, 1905, from the Honorary Joint-Secretary, Bengal National Chamber of Commerce. (Paper No. 15.)
16. Letter No. 273-1905, dated the 24th February, 1905, from the Secretary, Bengal Chamber of Commerce. (Paper No. 16.)
17. Letter No. 17413H., dated the 27th February, 1905, from the Chairman of the Calcutta Corporation, with enclosure. (Paper No. 17.)

consider the Bill to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah, and to provide for the extension thereof to other areas in Bengal, have considered the Bill and the papers noted in the margin, and have the honour to submit this, our Report, with the Bill as amended by us annexed hereto.

2. The amendments which we have made are printed in italics and are explained in the following paragraphs.

3. *Clause 2 (2).*—We are agreed that the period of six weeks for the submission of objections is insufficient, and therefore recommend that it be extended to three months.

4. *Clause 3 (1).*—We have considered the question as to whether furnaces used for private electric installations should be included in the proviso. The number of persons possessing such installations being so small, it seems unnecessary to specially legislate for them. The definition of "furnace" brings goods and ballast trains, steam-rollers and steam-boilers in engine sheds under the operation of the Act. We have modified the restrictions on the emission of smoke by ocean-going steamers by the amendment of sub-clause (ii) of the proviso. This amendment will exempt such steamers for a certain period (to be prescribed by rule) prior to their leaving Port or moving from one part of the Port to another, it being necessary for them to get up steam at such times. We have also considered it expedient to make mention among the exemptions of burning ghats.

5. *Clause 4.*—We are fully in accord with the unanimous opinion expressed by the various bodies and associations consulted to the effect that such bodies or associations as are likely to be affected by the Act should have power to nominate the unofficial members of the Commission. We have altered sub-clause (3) of the clause accordingly. At the same time we would recommend that at least half of the official Members should be persons possessing practical knowledge of steam-raising installations.

6. *Clause 5.*—It is advisable to make it quite clear that Assistant Inspectors are to be subordinate to the Chief Inspector, who in his turn should be subject to the control of the Commission.

7. *Clause 6.*—The fines throughout this section appear to us to be unduly heavy. We propose their reduction to the extent shewn in the revised draft Bill hereto annexed.

Under Chapter XXXIII of the Calcutta Municipal Act, 1899, and sections 466, 469, 473, power is conferred on the Chairman of the Municipality to grant licenses for the manufacture of bricks, iron, coke, etc. It is conceivable that after getting such a license and expending considerable sums on the purchase of appliances and the erection of furnaces a person might suddenly find that a notification issued under this section prohibited all further work, causing him heavy loss. To prevent such a case arising, we recommend that where such a license has been granted by the Corporation prior to the issue of a notification by Government the prohibition issued under this section should not affect any furnace or appliances covered by the license.

The use of the word "erection" makes it sufficiently clear that only new erections are to be affected by the section.

Sub-clause (1).—We think that kilns used for the manufacture of tiles of any description should be included in head (a).

With regard to the objection of the Bengal National Chamber of Commerce to the power taken to prohibit erection of brick kilns within specified areas we think it unnecessary to make any alteration in the Bill, as the Local Government may be trusted not to interfere unduly with trade.

Sub-clause (2).—The provision as to increased fine for a subsequent conviction cannot be made to apply to one and the same erection, for the same offence cannot be punished twice.

Sub-clause (4).—We think it advisable to provide an increased penalty for a second conviction under this sub-clause.

8. *Clause 7.*—While by clause 6 of the Bill as introduced power is taken to prohibit the erection of kilns or furnaces within specified areas, and to impose a penalty for non-compliance with such prohibition, no procedure is laid down whereby the removal of the kiln or furnace may be ensured. It might well happen that it would pay the person who made the erection to pay the fine and then to continue using the kiln or furnace. We therefore propose that the new clause 7 be inserted in the Bill. A notice or order to demolish within a certain period will be issued by the Magistrate, followed in case of disobedience, by the imposition of a fine for each day during which the disobedience continues after the period has elapsed.

9. *Clause 8.*—The suggestion of the Bengal Chamber of Commerce that the provisions of section 2 of the Bengal Act, II of 1863, in favour of those who, in the opinion of the Magistrate, have done their best to minimise a

nuisance, should be continued in the present Bill has been considered by us, but we find it impracticable, as it would make the provisions of the Bill unworkable. A liberal allowance will doubtless be made when the rules are framed. If clause 8 of the Bill, as originally introduced, be cut out, clause 9 will, in a modified form, find its best place as a sub-clause to this clause.

It seems expedient that power should be taken to regulate, by rule, the altitude below which smoke may not be emitted from a chimney.

10. *Clause 8 of the Bill as introduced.*—We have carefully considered whether this clause is necessary or politic seeing that the preceding clause will provide sufficient means for punishing the emission of unduly dense smoke. It will be to the interest of owners to see that the best appliances are used. We would recommend that the clause be omitted from the Bill.

11. *Clause 9.*—It is in our opinion inadvisable that Inspectors should have power to enter and inspect buildings without notice, and they should not be allowed to test appliances or carry on experiments without written authority from the Commission. In every such case due notice should be given. The penalty for non-compliance seems to us to be unduly high, and we propose to reduce it to a maximum of one hundred rupees.

12. *Clause 10.*—It is very important that the rules under this Act should be drafted by experts, and that the Commission should either be entrusted with the framing of them, or in any case consulted. We recommend that the procedure laid down in section 20 of the Mines Act, 1901 (VIII of 1901), should be followed, namely, that all rules previous to publication should be referred to the Commission for opinion. We have inserted a sub-clause to this effect. The provisions of section 24 of the Bengal General Clauses Act, 1899 (Bengal Act I of 1899), will ensure sufficient opportunity being given for criticism before the rules are finally passed. The two new sub-heads to sub-clause (2) are consequential upon the amendments proposed in clauses 3 and 8.

13. *Clause 11.*—We consider that it would be dangerous to leave the institution of complaints to Assistant Inspectors. They should have the authority of the Chief Inspector. The time-limit—six months—for the institutions of prosecutions is, in our opinion, too long. We recommend that it be reduced to two months.

14. The Hon'ble Mr. Horn, having resigned his Membership of the Council, did not attend the sitting of the Select Committee.

CALCUTTA;
The 3rd March, 1905.

R. W. CARLYLE.
A. A. APCAR.
C. F. LARMOUR.
NALIN B. SIRCAR.

[AS AMENDED BY THE SELECT COMMITTEE.]

THE BENGAL SMOKE-NUISANCES BILL, 1904.

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[Explanation of marginal references :—

The letter "R" means the Report on the abatement of smoke-nuisance in Calcutta, dated the 14th July, 1903, by Mr. Frederick Grover, A.M.I.C.E. The expression "Steam-boiler Rules" means the rules made under the Bengal Steam-boilers and Prime-movers Act, 1879 (Ben. Act III of 1879), which were published in the Calcutta Gazette of the 10th February, 1904, Part I, page 264.

A

BILL

To amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah, and to provide for the extension thereof to other areas in Bengal.

WHEREAS it is expedient to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah, and to provide for the extension thereof to other areas in Bengal;

It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Bengal Smoke-nuisances Act, 1905; and

(2) It extends in the first instance to—

(a) the town of Calcutta, as defined in section 3 of the Calcutta Police Act, 1866;

[R. 144—1.]
[Cf. Ben. Act II of 1863, ss. 1, 5; Ben. Act III of 1903, s. 1 (2).]

Ben. Act IV of 1866.

(b) the suburbs of Calcutta, as for the time being defined by notifications published under section 1 of the Calcutta Suburban Police Act, 1866, and

Ben. Act II of 1866.

(c) the station of Howrah, as described in the Schedule to the Howrah Offences Act, 1857.

XXI of 1857.

Power to extend Act.

2. (1) The Local Government may, by notification published in the Calcutta Gazette and in such other manner (if any) as the Local Government may determine, declare its intention to extend this Act to any specified area in Bengal other than the areas mentioned in section 1, sub-section (2):

[R. 144—1.]
[Cf. Ben. Act III of 1890, s. 636.]

Provided that, if a military cantonment is situated within any area to which it is proposed to extend this Act, no notification shall be published under this sub-section in respect of such area without the previous sanction of the Governor General in Council.

(2) Any inhabitant of an area to which it is proposed to extend this Act may, if he objects to such extension, submit his objection in writing to the Local Government within a period of three months from the publication of the said notification in the Calcutta Gazette.

[Cf. Ben. Act III of 1890, s. 637.]

(3) At any time after the expiration of the said period, and after considering the objections (if any) submitted under sub-section (2), the Local Government may, by notification in the Calcutta Gazette, extend this Act to the said area.

(Smoke-Nuisances.—Clauses 3-6.)

Definitions.

3. In this Act,—

(1) “furnace” means any furnace or fire-place used—

(a) for working engines by steam, or

(b) for the purpose of carrying on any trade, manufacture or industry, in cases not falling under clause (a):

[R. 144—I.]
[Cf. Ben. Act II of 1863, s. 1.]

Provided that a furnace or fire-place used for any of the following purposes shall not be deemed to be a furnace within the meaning of this Act, namely:—

(i) household or domestic purposes;

(ii) the raising of steam on ocean-going steamers within such period prior to their leaving the port, or to their moving from one part to another thereof, as may be prescribed by rule made under section 10, sub-section (2), clause (f), or

(iii) the burning of the dead.

(2) “Inspector” means a Chief Inspector of Smoke-nuisances, or an Assistant Inspector of Smoke-nuisances, appointed under this Act;

[R. 144—I.]

(3) “the Commission” means the Bengal Smoke-nuisances Commission constituted under this Act; and

(4) the expression “owner,” when used with reference to a furnace, includes any agent or hirer using the furnace, and any foreman or other person superintending the working of the furnace.

[Cf. Ben. Act III of 1879, s. 3.]

Constitution of Commission.

4. (1) The Local Government shall, by notification in the Calcutta Gazette, constitute a Commission, to be called the Bengal Smoke-nuisances Commission, to supervise and control the working of this Act.

[Cf. Act IX of 1907, s. 4.]

(2) The said Commission shall consist of a President and so many other members as the Local Government may determine.

(3) One-half of the members (exclusive of the President) shall be officials nominated by the Local Government and the remainder shall be non-officials nominated in such manner as the Local Government may direct by bodies or associations whose interests are likely to be affected by this Act.

(4) All members of the Commission shall be appointed, and all vacancies in the Commission shall, as occasion requires, be filled up by the Local Government by notification in the Calcutta Gazette.

(5) No act done by the Commission shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Commission.

Appointment of Inspectors.

5. (1) The Local Government may, by notification in the Calcutta Gazette, appoint a Chief Inspector of Smoke-nuisances and so many Assistant Inspectors of Smoke-nuisances as it may think fit.

[R. 144—II, IV.]

(2) Every Assistant Inspector appointed under sub-section (1) shall be subordinate to the Chief Inspector, and the Chief Inspector shall be subordinate and subject to the control of the Commission.

Power to prohibit the erection of kilns or furnaces, or the manufacture of coke in specified areas.

6. (1) The Local Government may, by notification in the Calcutta Gazette, prohibit, within any specified area,—

[R. 144—III.]

(a) the erection of brick, tile, or lime kilns,

(b) the erection of furnaces to be used for the calcining or smelting of ores or minerals, or for the casting, puddling or rolling of iron or other metals, or for the conversion of pig-iron into wrought-iron, or

(c) the manufacture of coke, in ovens, or with special appliances, or

(d) the making of coke without ovens or special appliances.

(Smoke-Nuisances.—Clauses 7-9.)

Provided that, where prior to the issue of such notification a license has been granted by the Chairman of the Calcutta Corporation under the provisions of Chapter XXXIII of the Calcutta Municipal Act, 1899, for the erection of a furnace to be used for any of the purposes mentioned in clauses (a) and (b), or for the manufacture of coke as described in clauses (c) and (d), such notification shall not affect such furnace or such manufacture. Ben. Act III of 1899.

(2) If any kiln or furnace be erected in contravention of any notification issued under sub-section (1), clause (a) or clause (b), the owner thereof shall be liable to fine which may extend, to two hundred and fifty rupees. [R. 144—IX (b).]

(3) If any person manufactures coke in contravention of any notification issued under sub-section (1), clause (c), he shall be liable to fine which may extend, on a first conviction, to two hundred and fifty rupees, and on any subsequent conviction to five hundred rupees. [R. 144—IX (b).]

(4) If any person makes coke in contravention of any notification issued under sub-section (1), clause (d), he shall be liable to fine which may extend, on a first conviction, to twenty-five rupees, and on any subsequent conviction to fifty rupees. [R. 144—IX (d).]

Power to order demolition of kilns or furnaces erected within prohibited areas. 7. (1) Whenever a Magistrate imposes a fine on any person under section 6, sub-section (2), for erecting a kiln or furnace in contravention of any notification issued under section 6, sub-section (1), clause (a) or clause (b), he may by order direct such person to demolish the kiln or furnace within a period to be specified on the order. [Cf. Ben. Act III of 1899, sections 449, 451, and 451.]

(2) If any person fails to demolish any kiln or furnace within the period prescribed in any such order, he shall be liable to fine which may extend to twenty rupees for every day thereafter during which such failure continues.

Penalty when smoke is emitted to a greater extent than is permitted by rules. 8. (1) If smoke be emitted from any furnace in greater density, or at a lower altitude, or for a longer time than is permitted by rules made under this Act, the owner of the furnace shall be liable to fine which may extend, on a first conviction, to fifty rupees, on a second conviction to one hundred rupees, and on any subsequent conviction to two hundred rupees. [R. 144—IX (c).] [Cf. Ben. Act II of 1863, s. 1.]

(2) Sub-section (1) shall not apply to any furnace which is used—

- (a) in connection with a brick, tile, or lime kiln, or
- (b) for any of the purposes mentioned in clause (b), clause (c), or clause (d) of section 6.

Powers of Inspector. 9. (1) An Inspector may after giving reasonable notice in writing to the owner, manager, engineer, or person in charge— [R. 144—V (a) to (c).] [Cf. Ben. Act II of 1863, s. 3; Ben. Act III of 1879, s. 10.]

- (a) enter and inspect, during working-hours, any building or place which contains a furnace, and inspect such furnace;
- (b) under the written authority of the Commission, use and test any appliance used for preventing the emission of smoke from any such furnace; and
- (c) under the written authority of the Commission, direct that any such furnace be worked or stoked experimentally, during his visit to such building or place, in any manner which he may consider suitable for preventing or reducing the emission of smoke, but not so as to interfere with the business carried on in such building or place further than is necessary for the purposes of the experiment.

(2) If any owner of a furnace in respect of which a direction is given under clause (c) fails to secure compliance with such direction, he shall be liable to fine which may extend to one hundred rupees.

(Smoke-Nuisances.—Clauses 10-13.)

Rules.

10. (1) The Local Government may, with the previous sanction of the Governor General in Council, and after previous publication, make rules to carry out the objects of this Act. [R. 144—VI.]

(2) In particular, and without prejudice to the generality of sub-section (1), such rules may—

- (a) regulate the transaction of business by the Commission; [New. Cf. the Steam-boiler Rules, I, I (a), II.]
- (b) prescribe the powers and duties to be exercised and performed by the Commission and by Inspectors, respectively, and regulate the exercise and performance of those powers and duties; [R. 144—V (d); VI (c); Steam-boiler Rules III to V, VI, IX, XV, XVIII; Cf. Ben. Act III of 1879, s. 4 (2).]
- (c) prescribe a scale for the purpose of determining the density of smoke; [R. 144—VI (c).]
- (d) prescribe the density of smoke that may be emitted from a furnace; [R. 144—VI (a).]
- (e) prescribe the time during which smoke of such density may be emitted from a furnace; [R. 144—VI (b).]
- (f) prescribe the period during which, for the purpose of raising steam prior to leaving the port, or to moving from one part to another thereof, the furnaces of ocean-going vessels shall not be held to be furnaces within the meaning of this Act;
- (g) prescribe the altitude below which smoke may not be emitted from a furnace;
- (h) prescribe a procedure for the giving of warning to offenders before instituting a prosecution under this Act, and declare the minimum period which should be allowed to elapse in different classes of cases between the giving of such warning and the institution of a prosecution; and [R. 144—VI (d), 148.]
- (i) authorise the payment of a fee, not exceeding thirty-two rupees, to each or any member of the Commission attending a meeting of the Commission. [Steam-boiler Rules, V (a); Cf. Ben. Act III of 1879, s. 100.]

(3) The date to be specified in accordance with clause (3) of section 24 of the Bengal General Clauses Act, 1899, as that after which a draft of rules proposed to be made under this section will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information. [Cf. Act VIII of 1901, s. 20 (4). Ben. Act I of 1899.]

(4) Where a Commission has been constituted under section 4, any rule to be made under this Act shall, before it is published for criticism under sub-section (1), be referred to the Commission, and the rule shall not be so published until the said Commission has reported as to the expediency of making the proposed rule and as to the suitability of its provisions. [Cf. Act VIII of 1901, s. 20 (5).]

(5) All rules made under this section shall be published in the Calcutta Gazette.

Cognizance of offences.

11. A Magistrate may take cognizance of an offence against this Act only— [Cf. Ben. Act III of 1879, s. 12; Ben. Act II of 1863, s. 4.]

- (a) upon a complaint made by or with the written authority of the Chief Inspector, and
- (b) within a period of two months from the date of the commission of the offence.

Disposal of fines.

12. All fines recovered under this Act shall be disposed of in such manner as the Local Government may direct. [Cf. Ben. Act II of 1863, s. 7; Ben. Act III of 1879, s. 13.]

Repeal.

13. The Calcutta and Howrah Smoke-nuisances Act, 1863, is repealed. [Ben. Act II of 1863.]

CALCUTTA;
The 6th March, 1905.

L. C. ADAMI,

Offg. Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, MARCH 15, 1905.

PART IV.

Bills of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

No. 104T., dated the 13th March, 1905.—In exercise of the power conferred by rule 34 of the Rules for the Conduct of the Legislative Business of the Bengal Council, the Lieutenant-Governor is pleased to order the publication of the following Bill, which it is proposed to introduce in the said Council, together with the Statement of Objects and Reasons:—

A

BILL

To amend the Calcutta Port Act, 1890.

WHEREAS it is expedient to amend the Calcutta Port Act, Ben. Act III of 1890. 1890;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Calcutta Port (Amendment) Act, 1905.

Amendment of section 5.

2. In section 5 of the Calcutta Port Act, 1890, for the words "fifteen Commissioners" the words "seventeen Commissioners" shall be substituted, and for the words "five nominated Commissioners" the words "seven nominated Commissioners" shall be substituted. Ben. Act III of 1890.

Amendment of section 5.

3. After clause (7) of section 35 of the said Act, the following clause shall be inserted, namely:—

"(7a) The building of vessels for the carrying of goods or passengers, or both, within the limits of the port, or partly within and partly without those limits."

Insertion of new section 35A.

4. After section 35 of the said Act the following shall be inserted, namely:—

"35A. The Commissioners shall not undertake the carrying of goods for hire in any vessel belonging to or hired by them, except with the sanction of the Local Government.

Such sanction may be general in its terms subject to any restrictions which the Local Government may enjoin in respect of the carriage of any class or classes of goods between specified places."

Insertion of new section 105A.

5. After section 105 of the said Act the following shall be inserted, namely:—

"105A. The Commissioners shall also frame a scale of charges for the carrying of goods and passengers, respectively, on vessels belonging to or hired by them."

Amendment of section 106.

6. In section 106 of the said Act, for the words "for hire" the words "whether for hire or not, and" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to increase the constitution of the Port Commission to 17 members and to empower the Commissioners to improve and regulate the means of communication across and along the river Hooghly within the limits of the Port of Calcutta.

2. The constitution of the Port Commission is under section 5 of the Calcutta Port Act (Ben. Act III of 1890) fixed at 15 members. This number only allows of two of the three Railway Companies carrying traffic into Calcutta being represented on the Commission and does not provide for the interests of Howrah in the Port of Calcutta. It is proposed in section 2 of the Bill to add two members to the Port Commission to allow of these important interests being adequately represented.

3. The Commissioners already have power, under section 55 of the Calcutta Port Act, 1890 (Ben. Act III of 1890), to acquire vessels, and it is proposed in clause 3 of the Bill to empower them to build vessels for carrying passengers or goods within or partly within and partly without the limits of the Port; while clause 5 introduces an amendment to enable them to require payment for the carrying of goods or passengers in vessels belonging to or hired by them.

4. Existing conditions render it desirable that a ferry service for passengers should be established and worked by the Port Commissioners by way of an addition to the private passenger services already working. It is not intended that the Commissioners should carry goods in their vessels in competition with companies and other boat-owners already engaged in business of this class; but the necessity for carrying goods in the Commissioners' vessels in some cases might arise at any time, and it is expedient to recognise and provide for such a necessity. It is proposed, however, by clause 4 of the Bill, to require the general sanction of the Local Government to the carrying of goods, under such restrictions as may appear necessary so as to prevent any undue competition with private trade.

5. Under section 6 (k) of the Indian Ports Act, the Local Government is vested with powers to frame rules for licensing and regulating cargo, passenger and other boats plying, *whether for hire or not*, in any port in which the Act is in force. In the Port of Calcutta this duty of licensing and regulating boats is vested in the Commissioners of the Port; but under section 106 of the Calcutta Port Act, the Commissioners are empowered to frame a scale of tolls, rates, charges and fees to be paid by owners of vessels *plying for hire only*. Consequently when framing the rules under section 6 (k) of the former Act, vessels not plying for hire were excluded from licensing and registration.

6. A comparison of section 6 (k) of the Indian Ports Act with the corresponding section of the repealed Act of 1875 shows that it was the object of the Legislature to make no distinction in the treatment of vessels that are plying for hire and vessels that are not plying for hire, and it was clearly due to an omission that the correction was not made in the Calcutta Port Act when it was last amended in 1898. In the interests of the Port it is necessary that vessels not plying for hire should be regulated and brought under the same control as those plying for hire, and it is now proposed to do this by amending section 106 of the Act.

The 8th March, 1905.

W. A. INGLIS.

CALCUTTA ;

The 13th March, 1905.

L. C. ADAMI,

Offg. Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, JANUARY 11, 1905.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

*Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal,
assembled under the provisions of the Indian Councils Acts, 1861 and 1892.*

The Council met in the Council Chamber on Saturday, the 7th January, 1905, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal,
presiding.

The Hon'ble MR. L. HARE, C.I.E.

The Hon'ble MR. K. G. GUPTA.

The Hon'ble MR. B. L. GUPTA.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. D. B. HORN, C.I.E.

The Hon'ble MR. L. P. SHIRRES.

The Hon'ble MR. A. EARLE.

The Hon'ble MR. R. T. GREER, C.S.I.

The Hon'ble MAHARAJA SIR RAVNESWAR PROSHAD SINGH, BAHADUR, K.C.I.E.,
of Gidhour.

The Hon'ble BABU KALI PADA GHOSH, M.A., B.L.

The Hon'ble BABU SALIGRAM SINGH.

The Hon'ble MR. C. F. LARMOUR.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

The Hon'ble BABU NALIN BEHARI SIRCAR, C.I.E.

QUESTIONS AND ANSWERS.

APPOINTMENT OF DISTRICT ENGINEERS.

The Hon'ble BABU NALIN BEHARI SIRCAR, in the absence of the Hon'ble BABU BHUPENDRA NATH BASU, asked:—

Will the Government be pleased to inform how the rules made under clauses (9) (p) and (m), section 138, of the Local Self-Government Act, issued under Notification No. 3334L.S.-G., dated 10th December, 1901, have worked with reference to the following matters:—

I. How many vacancies in the ranks of District Engineers occurred, especially in class I, grade I districts, since the enforcement of the new rules, and in how many of such vacancies existing District Engineers approved by Government as fit for those districts have been appointed?

II. Is it a fact that vacancies occurred at Saran and Champaran, but none of the persons included in the Chief Engineer's list (*vide* rule 12) have been appointed, though some of them applied for the posts? If so, will the Government be pleased to state the reasons which led to the disregarding of the rules?

III. Is it not difficult, under the present rules, to get properly qualified Engineers for temporary vacancies when an officer takes long leave, to wit Backergunge, a district of class I? Will the Government please state what is being done to remedy this state of things?

IV. Under rule 5, District Engineers are required to retire on attaining the age of 55 years, and can only be retained with the sanction of the Government. Is it a fact that two European District Engineers have been allowed to remain in service, though one is about 65 years old and the other close on 60—a concession which is not allowed by Government to officers in other branches of public service? Will the Government be pleased to state the grounds on which the services of these officers have been retained, when there are officers in the Government list fully qualified to hold these appointments but are on receipt of lesser pay owing to there being no vacancies?

V. Of the 42 districts where the Local Self-Government Act is in force, 11 have been classed as grade I regarding District Engineer's pay (Rs 600 rising to Rs. 800). Of these 11 posts, 10 are held by Europeans, although numerically the strength of the Native Engineers to Europeans in the service is as 3 to 2. Will the Government be pleased to remedy this state of things, and make a fairer distribution of these posts, specially as there are districts in this grade where there is no specialized European interest?

VI. Is it true that in the opinion of several high Government officials, the recent rules have not worked well; and if so, will the Government be pleased to take steps to re-cast the rules so that there may be a fair prospect of transfers and promotions in the service through which large sums of public money, both Local and Provincial, are annually spent?

VII. Will the Government be pleased, in re-casting the rules or otherwise, to give effect to the pledge given by Sir Ashley Eden at the time of establishing the Sibpur College that the alumni of that College were to have all Road Cess appointments?

The Hon'ble MR. SHIRRES replied:—

"THE simplest way to answer my hon'ble friend is first to explain the nature of the appointments held by District Engineers and the manner in which such appointments are made, and then to reply to the specific questions asked.

"Each appointment to the post of District Engineer is made separately by the District Board concerned under the powers vested in it by section 33 of the Bengal Local Self-Government Act of 1835. Under the first proviso to that section the confirmation of the Commissioner of the Division is necessary, but the appointments are not made by, nor are they subject to the approval of, the Local Government. The action of the Local Government is confined to laying down rules regarding the qualifications of candidates for employment

as District Engineer, and the District Boards are required, by the third proviso of the section referred to, to conform to such rules. Except in respect of the qualifications of the candidates, the choice of the District Boards is unrestricted, and they are under no obligation to choose an Engineer serving in another district; nor has an Engineer serving in one district any claim to be appointed to a vacancy occurring in another district. The professional qualifications laid down by Government have been made to vary with the pay which is given, and the standard is raised as the pay is raised. To enable these standards to be laid down, the posts of District Engineer have been divided into classes and grades, but the service is not 'a graded service' in the sense in which that expression is ordinarily understood. There is therefore no 'Service' of District Engineers similar to the Public Works Service, or the Police Service, or the Education Service. Moreover, under the Bengal Local Self-Government Act of 1885, the Lieutenant-Governor has no power to transfer a District Engineer from one district to another without the consent of the District Boards concerned, and such transfers are therefore very rarely made.

"The Hon'ble Member apparently desires that the District Engineers should be formed into a graded service on the lines of the Police, the Education and other services. It is essential to the administration of such a service that the power of appointment and transfer should rest with the Government, and the proposal of the Hon'ble Member could not therefore be given effect to without an alteration of the law. The Local Self-Government Act is however at present before this Council, and the requisite change in it could be made without difficulty. A graded service possesses obvious administrative advantages over a number of detached and isolated appointments, and the suggestion that the District Engineers should be formed into such a service has been made to the Government on more than one occasion. The suggestion has not hitherto been seriously considered with a view to legislation, because no very strong case has been made out, and the District Boards are believed to attach great importance to the privilege of appointing their own District Engineers. But if it is thought that a strong case exists, and that the matter should now be taken up, a circular can easily be issued to the District Boards; and if the District Boards themselves, or a majority of them, desire that the change should be made, the requisite amendment will be introduced into the Bill which is now before the Council.

"The following are the answers to the specific questions asked by the Hon'ble Member:—

"I and II.—The first two questions may be answered together. The new rules were published on 20th December, 1901, and since then two vacancies have occurred in class I, grade I districts, namely, at Saran and Champaran. The names of 19 District Engineers are contained in the Chief Engineer's list as qualified to hold appointments in class I districts, but of these 12 are already in charge of districts in class I, grade I. Of the remaining 7, 4 are Europeans and 3 are natives. The District Boards of Saran and Champaran did not however select any of these District Engineers, but advertised for applicants. Two applicants were selected; and as they possessed the necessary professional qualifications, they as a matter of course obtained the requisite certificates from the Chief Engineer, and they were appointed. In the 31 districts which are not included in class I, grade I, eight vacancies have occurred in the post of District Engineer subsequent to the publication of the new rules. One of these appointments is still vacant, three have been filled temporarily, and for two of the remaining four District Engineers serving in other districts have been selected by the District Boards concerned. There has been no disregard of the rules.

"III.—Difficulty has sometimes been felt in filling temporary vacancies. No special remedy seems to be called for.

"IV.—Rule 5 to which the Hon'ble Member refers reads as follows:—

No District Engineer shall be retained in the service of a District Board after he has attained the age of 55 years, except with the sanction of the Local Government and subject to such conditions as it may think fit.

"Two District Engineers, of whom one attained the age of 60 in November, 1904, and the other will attain the age of 64 in March, 1905, have been granted each an extension of service for one year. The District Boards preferred retaining those officers with their long experience to appointing new men; the officers themselves were reported to be efficient and to be capable of performing their duties satisfactorily; and special recommendations were submitted to the Government by the Commissioners of the Divisions concerned. The retention of these District Engineers in service did not, as would be the case in a graded service, affect the promotion of junior officers, and the Lieutenant-Governor, after fully considering the cases, accepted the recommendations of the District Boards.

"V and VI.—Questions V and VI have already been sufficiently answered.

"VII.—The pledge given by Sir Ashley Eden, to which my hon'ble friend alludes, referred only to appointments which were made by the Lieutenant-Governor, and which were such as could be given to graduates of the Sibpur College immediately on the conclusion of their curriculum. Information regarding the guaranteed appointments will be found in the Resolutions of the Lieutenant-Governor in the Public Works Department, dated 13th December, 1893, and 4th April, 1901, which were published in the Calcutta Gazette of 27th December, 1893 and 10th April, 1901, respectively."

LANDLORDS' FEES AND WATER-SUPPLY.

The Hon'ble BABU AMBICA CHARAN MAZUMDAR said:—

From the statements furnished by Government at a meeting of the Council, held on the 17th December, 1904, it appears that out of a total sum of nearly 12 *lakhs* of rupees "paid" as "landlord's fee" under the provisions of the Bengal Tenancy Act, during the last nineteen years, over 9½ *lakhs* of rupees are now "held in deposit," and that there is apparently no disposition on the part of the payees to accept these deposits.

(a) Under the circumstance, will the Government be pleased to make over these deposits in the various districts to their respective District Boards with express direction to utilize them for the special purpose of water-supply and on condition that should any of the payees ever demand payment of the money so deposited on his account, the District Board concerned will have to make good such payment?

(b) Will the Government be further pleased to consider the propriety of establishing in the hands of the District Boards the nucleus of a fund for water-supply with the aid of the "landlord's fees" thus held in deposit, supplemented by any grant that Government may be able to make from the Provincial Revenues, together with all charitable contributions which may from time to time be made for the purpose by private individuals?

The Hon'ble MR. EARLE replied:—

"(1) Government is not prepared to make over sums deposited as landlords' fees under the Bengal Tenancy Act in the various districts to the District Boards for purposes of water-supply on the condition suggested. In so far as these deposits become the property of Government by lapse of time, they form part of the consolidated revenue of the Provincial Government, which is required to meet its ordinary expenditure; and Government is not prepared to admit that local bodies have any claim to such deposits for local expenditure.

"(2) The questions whether legislation should be undertaken in regard to the provisions of the Bengal Tenancy Act under which these fees are levied, and whether any executive action can be taken for the purpose of facilitating the withdrawal from the district treasuries of money so deposited, are at the present time under the consideration of the Board of Revenue. Their report is expected shortly; and, as soon as the Lieutenant-Governor has received an expression of their views, he will pass orders in the matter without delay."

RULES REGARDING THE RED ROAD.

The Hon'ble BABU AMBICA CHARAN MAZUMDAR asked:—

(a) Has the Commissioner of Police issued any instruction, or laid down any rule, prohibiting Indian gentlemen, respectably dressed in the Indian fashion, from walking or driving on the Red Road?

(b) If so, will the Government be pleased to consider the propriety of directing the withdrawal of such rule or instruction?

The Hon'ble MR. CARLYLE replied:—

“The Lieutenant-Governor on receiving the Hon'ble Member's question inquired into the matter. The Commissioner of Police explains that it has for many years been the practice to instruct the Constables on duty to see that no one, whether European or Indian, is allowed on the side path of the Red Road between 5 and 8 P.M. unless properly dressed. Proper dress, in the case of a road frequented by European and Indian ladies and gentlemen alike, includes complete covering of the body. Indian gentlemen have on previous occasions inquired as to the enforcement of these orders and, on the orders being explained to them, they have always been accepted as reasonable. The Lieutenant-Governor considers it unnecessary to direct the withdrawal of the instructions which appear to have been framed in the interests of the community as a whole, and which are quite in accordance with the habits of Indian gentlemen who come into general society in Calcutta.”

SEPTIC TANK AT FARIDPUR.

The Hon'ble BABU AMBICA CHARAN MAZUMDAR said:—

May I enquire if it is proposed to establish a septic tank at Faridpur? If so, will the Government be pleased to inquire into the present condition of that town which, with the silting up of the river and the Dhole Somudder and with its *kutchas* drains without sufficient outlet even for the discharge of the rain water, has of late years become subject to malarial fever and other diseases? And will the Government satisfy itself thoroughly as to the advisability of such a measure, regard being had to the condition of this town, before sanctioning any decisive action in the matter?

The Hon'ble MR. SHIRRES replied:—

“A proposal has been made to try the experiment of a septic tank in the Jail at Faridpur, because the present method of disposal of the night-soil by trenching in the Jail Garden, which becomes damp and water-logged, is open to objection. Before the project is finally sanctioned, the question of the disposal of the effluent will be carefully considered in connection with the Report of the Septic Tank Committee which was published in the last issue of the Calcutta Gazette.”

THE BENGAL SMOKE-NUISANCES BILL, 1904.

The Hon'ble MR. CARLYLE introduced the Bill to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah, and to provide for the extension thereof to other areas in Bengal, and moved that it be read in Council. He said:—

“The motion before the Council is that the Bill to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah and to provide for the extension thereof to other areas in Bengal, be read in Council and that the

Bill thereafter be referred to a Select Committee consisting of the Hon'ble Mr. Horn, the Hon'ble Mr. Larmour, the Hon'ble Mr. Apcar, the Hon'ble Babu Nalin Behari Sircar, and myself.

"On a previous occasion I very briefly explained to the Council the main points of difference between the present Bill, and Bengal Act II of 1863 (the Calcutta and Howrah Smoke Nuisances Act). I will again briefly repeat the main differences and I will then go on to deal clause by clause with the provisions of the Bill.

"The Bill makes the mere emission of smoke from any furnace in greater density or for a longer time than is permitted by rules to be framed hereafter punishable. Under the present Act it may be generally said that negligence in some form has to be proved.

"Under the Bill power has been taken entirely to forbid the exercise within certain areas of industries which are necessarily accompanied by a smoke nuisance.

"The administration of the Act is to be entrusted to a Commission composed of official and non-official members, the non-officials being selected to represent interests likely to be affected by the Act.

"Before turning to the details of the Bill I would again note that it is to some extent based on the recommendations made by Mr. Frederick Grover, an expert sent out by the Secretary of State for India to examine the question on the spot. He arrived in Calcutta in the beginning of March, 1903, and submitted his Report in July of the same year. Before submitting his Report he visited a number of factories in and around Calcutta and the colliery districts of Raniganj and Jherria. He examined the various sources of smoke, the qualities and quantities of coal used, the types of furnaces, and the methods of their use. In his Report he enumerates the following six sources of smoke in Calcutta, namely:—

- (a) domestic fire-places in native huts;
- (b) steam launches and ocean-going steamers;
- (c) lime and brick kilns;
- (d) the manufacture of coke on the Hooghly banks;
- (e) furnaces used for heating plates and metal ingots; and
- (f) mill and factory boilers used for the purpose of raising steam.

"In the Bill now before the Council, the first source of smoke has been altogether excluded. It would be impossible to deal with the smoke from native huts except by isolating areas responsible for the emission of such smoke. This is obviously impracticable.

"As regards the smoke from launches and ocean-going steamers, the Bill will not touch the raising of steam on ocean-going steamers not moored or anchored and not lying in dock. Such steamers must necessarily emit smoke in the process of raising steam, and as they pass beyond the limits of Calcutta in a comparatively short period of time, it would, as Mr. Grover remarked, appear impossible to impose any restrictions.

"The British Indian Association in a letter dealing with Mr. Grover's Report remarked that Mr. Grover in dealing with the sources of smoke nuisance omitted from his list—

- (a) steam rollers;
- (b) various railways plying in the limits of Calcutta and Howrah;
- (c) the engine sheds of the Eastern Bengal State Railway at Tallah and at other places in Howrah and Calcutta; and
- (d) press, electric and other installations.

"I may note that furnaces used in such cases all come within the provisions of the Bill.

"I will now turn to the details of the Bill.

"Clause 1 provides that it shall extend to the town and suburbs of Calcutta as defined in the Calcutta and Suburban Police Acts, respectively; also to the station of Howrah as described in a schedule to the Howrah Offences Act. The

present Bill provides that the Local Government may extend the Act under certain conditions specified in clause 2 to other areas.

"As regards clause 2 provision is being made for the hearing of objections to any extension of the area, and in the case of military cantonments it is laid down that the previous sanction of the Governor General in Council is required.

"The important point to note in clause 3 is the definition of 'furnaces.' It will be seen that it includes furnaces or fire-places which may be the source of nuisance under any of the heads I have stated above, saving furnaces or fire-places used for household or domestic purposes or for the raising of steam on ocean-going steamers. Under the present Act the term 'furnace' does not apply to locomotive engines used wholly upon railways nor to steam vessels unless employed as ferry boats.

"Clause 4 provides for the constitution of a Commission to supervise and control the working of the Act. This proposal is one which I think will meet with the approval of the Council as half the members are to be composed of non-officials selected to represent interests likely to be affected by the Act. It is very important while the whole question of dealing with smoke nuisances is more or less in an experimental stage, that Government should be assisted by the advice of business men interested in seeing that no undue restrictions are placed on industries affected by the Bill.

"Clause 5 provides for the appointment of a Chief Inspector and so many Assistant Inspectors of Smoke Nuisances as the Local Government may think fit. Mr. Grover remarks under this head that the Chief Inspector of Smoke Nuisances should be 'a competent engineer, well versed in the use of smoke abatement appliances. He should be a man of resource who could be relied upon to exercise his judgment. He should be able to undertake the application of the remedies as suggested in this Report,' i.e., Mr. Grover's Report. A Committee assisted by a well qualified Chief Inspector, such as Mr. Grover suggests, and composed in part of representatives of the industries likely to be affected, is very unlikely to take hasty measures or to do anything likely to hamper trade.

"Clause 6 empowers the Local Government, in certain areas, to prohibit the erection of brick and lime kilns or of furnaces for heating metals or the making of coke. This power is taken because the emission of smoke from furnaces used for such purposes cannot be abated by any means yet known. I may note with reference to the penal clauses of this section that a reference has been made to the Government of India for an amendment of clause 2, as apparently, as the Bill now stands, it might pay to erect a furnace and work it, as after payment of a fine of Rs. 500 no further penalty could be imposed. I need not, however, deal with this question to-day which is one for the Select Committee to consider after we have received a reply from the Government of India.

"Clause 7 is the crux of the whole Bill. It provides that for the emission of smoke from a furnace in greater density or for a longer time than is permitted by rules to be made under the Act, the owner of the furnace shall be liable to fine. It will thus no longer be necessary to prove negligence. The issue before the Courts will be a comparatively simple one as to whether smoke was emitted of excessive density or for an excessive time. Mr. Grover has in paragraphs 137-141 of his Report described methods of gauging the density of smoke, and it will be possible by using one or more of these methods to produce satisfactory evidence before a Court. This clause gives effect to the principle embodied in section 268 of the Indian Penal Code that 'a person is guilty of a public nuisance who does any act which causes any annoyance to the public,' and that 'a common nuisance is not excused on the ground that it causes some convenience or advantage.' It may be noted that this clause does not apply to furnaces referred to in clause 6 (1) which necessarily emit clear smoke. Such cases may be dealt with, if at all, by total prohibition. Mr. Grover proposed that the maximum time of emission of smoke of a given density should be fixed at 10 minutes and that this period should be gradually reduced as the working of the furnaces improves. Government proposes to leave the limit of time to be fixed

by rules, as probably ten minutes will be too low a limit at first, and it is undesirable to be obliged to have recourse to legislation, when it becomes reasonable to reduce the maximum limit.

"Clause 8 empowers the Local Government to appoint a period within which furnaces must be constructed, altered or fitted with appliances so as to prevent smoke being emitted in such a manner as to cause a nuisance. Under Bengal Act II of 1863 all persons are bound to construct or to alter furnaces so as to consume or burn their smoke, and this section of the present Bill is less stringent than the law now in force.

"Clause 9 provides for the case of furnaces or kilns which necessarily emit smoke in such a way as to cause a nuisance. As I have already explained, such cases can only be dealt with by prohibiting the working of such furnaces or kilns in specified areas.

"Clause 10 confers on Inspectors powers that should be very useful in enabling the Committee appointed to work the new Act to deal with the question of regulating the emission of smoke from furnaces.

"Clause 11 gives power to make rules to carry out the objects of the Bill. As I have already said it is very desirable that while the question of dealing with smoke nuisances is in a more or less experimental stage, alterations that may be found desirable should not require recourse to fresh legislation.

"Clause 12 provides that cognisance will not be taken of an offence except on the complaint of an Inspector, and it lays down a limit of time after which a complaint cannot be lodged.

"Clauses 13 and 14 deal with the question of disposal of fines and the repeal of the present Act.

"I trust this Council will be satisfied that while Government is making an attempt to grapple with a steadily increasing evil, it has been most careful to do nothing that could seriously hamper any important industry. Mr. Grover points out that it is very doubtful whether the more extensive use of smoke-reducing appliances and greater care in firing will lead to increased profits, as the cost of supervision will probably swallow up the other profits, derived from the gain in efficiency, but it is due to the public that the users of furnaces should use precautions to prevent inconvenience to the public where the extra trouble and cost will be in great part repaid by the more economical working of the furnaces.

"Mr. Grover remarks in his Report:—

It cannot be denied that the manufacturers of Calcutta have made deliberate efforts to suppress the smoke nuisance by the application of special appliances; that in many cases such efforts have failed, and the appliances have consequently been abandoned. These circumstances have given rise to the opinion that nothing further can be done. My opinion is that too much reliance has been placed on automatic devices and that all individual effort has been surrendered. Experimentation on the part of the engineering staff of a mill is never encouraged by the management even supposing that the engineers are disposed to experimental work or have time for it. Having regard to the fact that the mills are employed in unceasing production for 15 hours out of 24, that there are only five or six Europeans to overlook the work of over 2,000 work-people, it must be conceded that the energies of the engineering staff are fully taken in maintaining the machinery in efficient working order, and as a consequence of this the supervision of the stokers is one of the last considerations.

I have already shown that there is a possible saving of 4 *per cent.* on the coal bill due to the combustion of smoke, but that manufacturers could not hope to realize this as profit so long as the necessity for extra supervision exists. There is, however, no hardship in insisting that the 4 *per cent.* be spent for the benefit of the public.

"I trust the result of the Bill will be to induce the owners of furnaces to spend on the abatement of the smoke nuisance the savings they can effect in coal consumption by better supervision."

The Hon'ble BABU NALIN BEHARI SIRCAR said:—"I desire, on behalf of the residents of Calcutta, to congratulate the Government on the introduction

of this very necessary and salutary measure. The Hon'ble Member in charge of the Bill has told us that the present law for the abatement of smoke nuisance in and around this City came into existence so far back as 1863. Since then, as we all know, the condition of things has vastly changed. With the rapid development of Mill industries in this part of the country, numerous furnaces and fire-places have been erected; and in the absence of proper regulations these have, for the most part, been indifferently constructed. The innumerable chimneys that have sprung up are of all sorts, shapes and sizes, incessantly emitting thick black smoke, containing soot and solid particles of unconsumed coal; they are a constant source of considerable trouble, inconvenience and mischief to the residents in their neighbourhood. In Calcutta, Wards Nos. 3 and 4, and possibly also Ward No. 2, are the worst sufferers in this respect; and I can bear my personal testimony to the great annoyance to which the unfortunate residents of this locality are constantly subjected. It is a matter of surprise that something was not done, much earlier during the last 40 years, to amend the present law so as to meet the growing exigencies of the situation. The Bill before us, however, now proposes to remedy the defects of the present law on the subject; and I may be permitted to express the thanks of the community to you, Sir, for bringing forward a measure intended to give relief to the suffering public. I earnestly hope and trust that the provisions of the proposed law will be so framed as to effectively remove the evil."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said:—"Any measure that is calculated to mitigate the nuisances of Calcutta and its neighbourhood must be welcome to all; for it would not only tend to remove a great stigma from this 'City of Palaces,' but also afford great relief to civilized humanity. Sir, two knighthoods seem to me as fairly settled for two persons,—one for him who may be fortunate enough to discover a remedy for cancer, and the other for him who may be successful in dealing with the nuisances of Calcutta, particularly its dust and its smoke. Although our hon'ble colleague in charge of this Bill may not have much of a chance in carrying off the prize on the strength of his present experiment, yet I think we might fairly congratulate him upon the first step he has taken towards the solution of a vexed problem.

"The Bill, as introduced by him, both in its scope as well as in its principle, is undoubtedly a distinct improvement upon the dead Act of 1863, whose archaic existence in the Statute Book has been nearly forgotten by the people and which has indeed been so very effective in its operation that, as the Hon'ble Member himself informed us in his opening speech the other day, there is hardly to be found any case for its application. The substitution of a Commission with qualified Inspectors in place of the Magistrate with his inseparable accident, the constable of the existing enactment, as the supervising and controlling authority, is an important feature of the present Bill. This Commission, if properly constituted, is likely to infuse a very active and healthy spirit in the working of the proposed measure by bringing competent and expert opinions to bear upon every case and by having a specially qualified agency which the Bill provides for enforcing its decisions.

"But, Sir, I have a little objection as to the principle involved in the constitution of this Commission. Section 4 of the Bill provides that one-half of the members of the Commission shall be officials, while the other half shall be non-officials selected to represent interests likely to be affected by the proposed measure. That there are many large and influential interests likely to be so affected cannot be either denied or disputed. There is the Calcutta Corporation which is primarily interested both in the ever-increasing industries of this great city, as well as in the sanitation of the localities affected by them. Then there are the Chamber of Commerce, the Trades Association, the Bengal National Chamber of Commerce and those various companies and associations which are either directly or indirectly interested in the numerous mills and factories with which this metropolis and its environs are studded. In my humble opinion the non-official half of the Commission should be elected by these bodies in such number or proportion as the Government may deem proper to allot. If these non-official members are

really to represent the interests likely to be affected, I do not understand why the Government should undertake the responsibility of choosing their representatives instead of asking them to make their own choice. These bodies if privileged to return their own representatives can only return men of practical knowledge and experience of the subject, and the presence of such men on the Commission can only serve to strengthen the Commission itself. On the other hand, by taking the entire appointment in its own hand, Government might undertake the risk of not only being often misunderstood, but also of creating friction and opposition which cannot by any means be conducive to the successful working of the proposed measure. I would therefore suggest that the non-official half of the proposed Commission should be elected, or at all events nominated, by such bodies as may be found interested in the working of the Act.

"Sir, there are one or two other points in the Bill which also in my opinion seem to be deserving of some little attention. But as these refer to the details and not to the principle of the proposed legislation, I think I am bound to defer them for a future stage of the Bill. Subject to these remarks, I generally approve of the Bill which is before the Council and entirely agree to the motion made by the Hon'ble Member in charge of it"

The Hon'ble MR. CARLYLE said:—"I have to deal with one objection, namely, that the non-official members of the Committee should be elected and not appointed. I can see great difficulties in the way of securing any system of electing members to such a Committee, but if any workable system can be suggested it will be considered by the Select Committee and reported on. I now move that the Bill be read"

The Motion was then put and agreed to, and the Bill was read accordingly.

The Hon'ble MR. CARLYLE also moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Horn, the Hon'ble Mr. Larmour, the Hon'ble Mr. Apcar, the Hon'ble Babu Nalin Behari Sircar, and the Mover.

The Motion was put and agreed to.

THE SUNDARBANS BILL, 1904.

The Hon'ble MR. HARE introduced the Bill to provide for the abolition of the office of Commissioner in the Sundarbans, and moved that it be read in Council. He said:—

"I have nothing to add to what I said at the last Meeting of Council. The matter is perfectly simple and the full reasons for this Bill are explained in the Statement of Objects and Reasons. I therefore propose the measure without a speech."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said:—"All burials, whether of men or of measures, ought only to be performed in solemn silence. I would therefore silently add my shovelful of earth to bury this Commissioner in the Sundarbans. My only regret is that had this mournful ceremony been performed some time earlier, the Government might have been spared the loss, if not also some little humiliation, which it has undoubtedly suffered only a few years back. But let the dead past bury its dead, and let us console ourselves with the homely but none the less wise saying—'Better late than never.' I fully support the Bill which the Hon'ble Mr. Hare has introduced, as I should have felt no difficulty in agreeing with him even if he had moved that the Bill be passed at once."

The Motion was then put and agreed to, and the Bill was read accordingly.

The Hon'ble MR. HARE also moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. O'Kinealy, the Hon'ble Mr. Collin, the Hon'ble Mr. Earle, the Hon'ble Babu Bhupendra Nath Basu, and the Mover.

The Motion was put and agreed to.

The Council then adjourned to Saturday, the 28th January, 1905.

CALCUTTA ;

The 10th January, 1905.

L. C. ADAMI,

Offg. Secretary to the Bengal Council and

Assistant Secretary to the Govt. of Bengal,

Legislative Department.



The Calcutta Gazette.

WEDNESDAY, FEBRUARY 1, 1905.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 28th January, 1905, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding.*

The Hon'ble MR. L. HARE, C.I.E.

The Hon'ble MR. K. G. GUPTA.

The Hon'ble MR. B. L. GUPTA.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. D. B. HORN, C.I.E.

The Hon'ble MR. L. P. SHIRRES.

The Hon'ble MR. A. EARLE.

The Hon'ble MR. R. T. GREER, C.S.I.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble BABU SALIGRAM SINGH.

The Hon'ble MR. C. F. LARMOUR.

The Hon'ble MR. A. A. APCAR.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

The Hon'ble MR. J. CHAUDHURI, M.A.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

NEW MEMBERS.

The Hon'ble MR. CHAUDHARI, the Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad, and the Hon'ble RAJA BAN BEHARI KAPUR took their seats in Council.

QUESTIONS AND ANSWERS.

ALLEGED ASSAULT ON THE STATION MASTER OF BARUIPUR.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said:—

(a) May I invite the attention of Government to two paragraphs in the *Bengalee* of the 13th and 16th December last in which it is stated that on or about the 10th idem two Military Officers of Fort Chingreekhal assaulted the Station Master of Baruiপুর, in the southern section of the Eastern Bengal State Railway, while the latter was on duty. Are the facts stated in the said two paragraphs substantially correct?

(b) If so, will the Government be pleased to inquire what action has been taken by the Government Railway Police at Sonarpur on the telegraphic information which the Station Master is said to have then and there despatched about the occurrence?

(c) Is it also true that the Assistant Station Master and two porters of the station were also beaten by the said Military Officers? And will the Government be pleased to inquire if they (the Assistant Station Master and the porters), or any of them, lodged any complaint before the Police under section 121 of the Railway Act?

(d) Will the Government inquire and ascertain what action the Police have taken in the matter, the offences being cognizable ones? Were these cases, or any one of them, sent up by the Police for trial? If not, why not? Is the suggestion correct that the Assistant Inspector-General, Railway Police, had issued orders not to *challan* these cases?

(e) Is it true that the Head-Constable of Sonarpur took down the statements of the two Military Officers concerned? If so, what was their statement? Did they admit or deny the offences charged against them?

(f) Is it a fact that the District Magistrate of Alipur also caused an inquiry to be made into this matter? If so, what was the result of such inquiry?

(g) Will the Government be pleased to call for all the papers connected with this incident and satisfy itself as to whether the cases referred to should not be judicially tried and disposed of?

The Hon'ble MR. CARLYLE replied:—

“The occurrence to which the Hon'ble Member refers was reported to Government on the 12th December, 1904.

“2. On the morning of the 10th December last, two Military Officers, named Captain Chrystie and Lieutenant Ford, were travelling by train from Diamond Harbour to Calcutta with two servants. When the train arrived at Baruiপুর, the servants, who were in a third-class carriage, prevented some passengers from entering their compartment. An altercation ensued; and the Station Master, to whom the passengers complained, ordered the servants to alight; and, on their refusing to do so, he proceeded to remove one of them from the train by force with the help of some railway employes. The other man, who was Captain Chrystie's servant, then ran to the carriage in which his master and Lieutenant Ford were travelling and informed them that Lieutenant Ford's servant was being assaulted by some natives. The two officers on hearing this left their carriage and saw the servant struggling in the hands of five men. Lieutenant Ford went up and, in order to rescue his servant, struck at these men with a small bamboo cane which he was carrying.

“3. The Station Master of Baruiপুর reported the occurrence by telegram to the Officer in charge of the police outpost at Sonarpur, and also deputed the Assistant Station Master to lodge a complaint. The Head-Constable in charge at Sonarpur met the train on its arrival at that place, and, as it stopped there

for only a few minutes, he came on with the party to Calcutta, the Assistant Station Master also travelling in the train with them. At Balliaghatta the Assistant Station Master and the two officers proceeded to the Railway Police Station, where the former charged Lieutenant Ford with committing an assault on the Station Master of Baruipur and on a pointsman and a porter. Lieutenant Ford admitted that he struck at the men who were holding his servant, but absolutely denied having assaulted the Station Master, and cited Captain Chrystie as a witness.

"4. It was found that the porter had a slight mark on the neck, and the pointsman a similar mark on the forehead; and it was proved that they were not in uniform at the time they were struck, and that there was nothing to show that they were railway employés. It was held, therefore, that no offence under section 121 of the Railway Act had been committed, and, as the assault was a non-cognizable offence, the informant was referred to the Criminal Courts. No complaint, however, was made before the Magistrate by either the Station Master, porter or pointsman. The action of the police was approved by the Traffic Superintendent, Eastern Bengal State Railway; and Lieutenant Ford subsequently wrote to that officer expressing regret for the occurrence, and his apology was accepted.

"5. The District Magistrate of the 24-Parganas on hearing of the occurrence also had an enquiry made, and deputed an Inspector of Police to investigate the case. The Inspector submitted a report on the subject, on receipt of which the District Magistrate came to the conclusion that the case was non-cognizable, and that it lay with the parties concerned to lodge a complaint before the Court if they desired to proceed with the matter. As already indicated, however, no such complaint was made by any of those concerned.

"6. The Lieutenant-Governor, before whom the papers were laid, also considered that, as the case was non-cognizable, it was for the aggrieved parties to take the initiative in the matter by lodging a complaint in the manner prescribed by law. In these circumstances His Honour was of opinion that it was unnecessary for Government to interfere."

THE PROVINCIAL AND SUBORDINATE CIVIL SERVICES.

The Hon'ble BABU BHUPENDRA NATH BASU, in the absence of the Hon'ble BABU NALIN BEHARI SIRCAR said:—

(a) In the concluding sentence of paragraph 2 of the Government Resolution No. 5649A., dated the 26th December, 1904, on the subject of recruitment of the Executive branch of the Provincial Civil Service and the Subordinate Civil Service, it is stated that "they (the Government of India) came to the conclusion that the system of competitive examination is not a suitable or satisfactory system of admission to the Government service in this country. The Lieutenant-Governor fully concurs in the opinion expressed by the Government of India in this matter." Will the Government be pleased to specifically state the data upon which the conclusion referred to in the quotation is based?

(b) In the same paragraph it is further stated:—"Sir John Woodburn replied in Mr. Buckland's letter No. 3382A., dated the 3rd August, 1902, that after a sifting inquiry he had come to the conclusion that competitive examinations did not secure for the Government even the best scholars of the University, and were otherwise unsuitable as a test of qualifications." Will the Government be pleased to state (i) the specific points in regard to which the sifting inquiry referred to in the quotation was made, and (ii) the nature and the mode of inquiry instituted?

(c) Will the Government be pleased to lay on the table all papers in connection with the inquiry that was held for the information of the public?

(d) With reference to the 33 appointments by competition (the men at the top of the list) during the last eleven years (1893 to 1904), referred to in paragraph 3 of the Resolution quoted above, will the Government be pleased to state whether (i) all, and, if not all, (ii) how many of them have proved to be unsuitable for Government service, and (iii) in what respects have they been found unsuitable?

The Hon'ble Mr. CARLYLE replied:—

"In regard to question (a), the Bengal Government considers that the views of the Government of India are sufficiently explained in their Resolution of 11th March, 1904, on Indian Educational Policy; and the data on which the conclusion of the Government of India is based seem to be clearly enough indicated.

"2. In regard to question (b), the specific points to which the enquiry ordered by the late Sir John Woodburn was directed were: (1) as to whether the competitive system appeared to succeed in ensuring that the recruits possessed an equipment of any special value, and (2) whether there was reason to believe that its appreciation of the relative merits of the candidates was accurate. The method of enquiry adopted mainly consisted in an examination of the educational history and qualifications of the successful candidates. Both questions were answered in the negative; and it was therefore regarded as unnecessary to maintain a special examination.

"3. In regard to question (c), the Government does not propose to lay on the table the papers connected with that enquiry.

"4. In regard to question (d), it is not considered necessary to discuss the question as to how many officers appointed under competition have proved unsuitable. Unsuitable men will no doubt be appointed under any system. But it is claimed that success in the University is a better test of general ability than success in a special competitive examination."

STEAM FERRIES IN THE RIVER HOOGHLY.

The Hon'ble BABU BHUPENDRA NATH BASU, in the absence of the Hon'ble BABU NALIN BEHARI SIRCAR asked:—

(a) Will the Government be pleased to state what steps are being taken to amend the Calcutta Port Act for enabling the Commissioners to establish and work the steam-ferries in the river Hooghly?

(b) When is the Bill likely to be introduced into the Council?

The Hon'ble Mr. HORN replied:—

"This Government submitted the draft of a Bill to amend the Calcutta Port Act, III of 1890, for the approval of the Government of India some months ago. This draft Bill has been amended in accordance with a suggestion made by the Government of India. One of the clauses of the draft Bill empowers the Port Commissioners to establish and work steam ferries on the Hooghly. As it is necessary for the Government of India to obtain the sanction of the Secretary of State to the proposed legislation, it will not be possible to introduce the Bill in this Council before March."

THE BENGAL SMOKE-NUISANCE BILL, 1904.

The Hon'ble Mr. Carlyle moved that the time for the preparation of the Report of the Select Committee on the Bill to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah, and to provide for the extension thereof to other areas in Bengal, be extended to the 11th February next. He said:—

"It was impossible to get replies from all the bodies consulted by to-day, so that I must ask for a further extension of time."

The Motion was put and agreed to.

The Council then adjourned to Saturday, the 11th February, 1905.

CALCUTTA ;
The 31st January, 1905.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, FEBRUARY 15, 1905.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

*Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal,
assembled under the provisions of the Indian Councils Acts, 1861 and 1892.*

The Council met in the Council Chamber on Saturday, the 11th February, 1905, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal,
presiding.

The Hon'ble MR. L. HARE, C.I.E.

The Hon'ble MR. K. G. GUPTA.

The Hon'ble MR. B. L. GUPTA.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. D. B. HORN, C.I.E.

The Hon'ble MR. L. P. SHIRRES.

The Hon'ble MR. A. EARLE.

The Hon'ble MR. R. T. GREER, C.S.I.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble BABU SALIGRAM SINGH.

The Hon'ble MR. C. F. LARMOUR.

The Hon'ble MR. A. A. APCAR.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

The Hon'ble MR. J. CHAUDHURI, M.A.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

QUESTIONS AND ANSWERS.

THE NORTHERN SECTION OF THE EASTERN BENGAL STATE RAILWAY.

The Hon'ble MR. CHAUDHURI asked:—

(a) Is it a fact that, with a view to cope with the increased traffic on the Northern Section of the Eastern Bengal State Railway and to accelerate the speed of the Darjeeling Mail Train, it has been proposed to introduce much heavier engines along the line, and is it the case that work is actually in progress, which when completed will reduce the number of bridges and culverts along the line and dam up many of the water-courses, such as the Narad, etc., in the neighbourhood of the Natore and Gopalpore Railway Stations, to save the cost of re-building the bridges and culverts which were meant for much lighter traffic, and is it also the case that the height of the existing bridges over navigable rivers along the line is being reduced with a view to avoid necessary costs of construction of bridges fit for such heavy traffic?

(b) Having regard to the fact that competent authorities attribute the prevalence of malarial fever and other epidemic diseases in many districts of Bengal to, amongst other causes, the obstruction of the natural drainage of the country by Railway embankments, and that malarial fever and cholera have been very prevalent along the line, particularly above and below Natore, has the Government of Bengal been consulted, and has this Government considered whether the scheme of Railway re-construction above referred to will not seriously affect the health of the people along the line of the said Railway?

(c) Will the Government be pleased to state what profits were made by the Northern Section of the Eastern Bengal State Railway during the year 1903-04 and during the last half-year, and how much has been sanctioned for the work of re-construction above referred to? Will the Government be pleased also to lay on the table a plan of the re-construction showing the existing bridges and culverts and the proposed alterations?

The Hon'ble MR. HORN replied:—

"I propose to answer together the questions (a) and (b) which have been asked by the Hon'ble Member.

"It is a fact that heavier engines have been lately introduced on the Metre Gauge Section of the Eastern Bengal State Railway. The type of engine has been selected by the Standardization Committee appointed by the Secretary of State and it will in future be adopted on Metre Gauge lines.

"The girders on the Metre Gauge Section of the Eastern Bengal State Railway were constructed many years ago and were designed for lighter loads than those permitted by present Standards. The work now in progress on the Northern Section has been undertaken in order to strengthen the bridges to admit of the unrestricted use of the new Standard Metre Gauge Engines.

"While the girders are being altered or renewed, advantage is being taken to cut out spans which the experience of many years has shown to be redundant. Certain girders are therefore being removed and the openings beneath them filled up. There are 22 bridges containing in all 132 openings. It is intended to fill up 31 of these openings; but in no instance will any bridge be closed or the passage hitherto provided for cattle or small boats be restricted.

"No water-courses whatever are to be dammed up or interfered with; nor will the number of bridges and culverts be reduced.

"With regard to navigable rivers the girder alterations will affect the following rivers, viz., the Burral, the Narud, the Godar, the Pangul, and the Atrai. At the Burral, Godar, and Pangul rivers, the headway of the spans used for navigation is not being interfered with, but in spans not necessary to the navigation of the channels the girders are being lowered by 2 to 3 feet. At the Burral bridge which consists of 15 spans of 60 feet one span which is quite high and dry even in the flood season is being filled up. The Narud river has silted up to such an extent as to be useless except for very small boats. It contains two land spans of 40 feet and a centre span of 60 feet. The north span is quite dry and is being filled up. The centre span is being altered to

two spans of 30 feet. The south span is quite dry; but as a road passes under it it will be retained. The girders on the Narud bridge are to be lowered about 3 feet, as the headway originally provided for boats of considerable size is not now required. The Atrai Bridge is being lowered 3 feet with the consent of the District Magistrate. The headway of 15 feet above highest flood level is greater than that provided at many more important river crossings on the Metre Gauge Section.

“(c).—Separate accounts are not kept for the Northern Section as distinct from the other Metre Gauge portions of the Eastern Bengal State Railway system. I would refer the Hon’ble Member to the Annual Administration Report for the calendar year 1903, Appendix 12, pages 48 and 49. The report for 1904 has not yet been published. The figures for the half-year ending the 31st December, 1904, are not yet available. The approximate cost of the alterations now in progress is Rs. 97,000, which is only part of a three years’ programme. The estimate for strengthening the girders, which amounts to Rs. 2,74,000, has been approved by the Government of India.

“No general plan of the re-construction has been prepared, as only detailed drawings of the girders for the various bridges are necessary to admit of the carrying out of the work.”

EXPENDITURE ON PLAGUE AND MALARIA.

The Hon’ble MR. CHAUDHURI asked:—

Will the Government be pleased to lay on the table a statement showing the deaths from plague and from malarious fever in Bengal for 1900-01, 1901-02, 1902-03, 1903-04 and the money spent out of the public funds on measures, precautionary or otherwise, in respect of plague and malarious fever, respectively?

The Hon’ble MR. SHIRRES replied:—

“A statement has been placed on the table showing, for the years referred to, the reported deaths from ‘plague’ and ‘fever.’ How many of the deaths under the latter head were due to malaria is not known, but it may be mentioned that in Dinajpur Captain Rogers enquired into the cause of death in 1,000 cases attributed to fever and found that death was due to malaria in only 31·8 *per cent.* of the cases.

“The accounts do not completely separate the expenditure on plague, but the information, so far as it is available, is also shown. The expenditure on account of malaria cannot be separately given. It would have to include not only the cost of producing and distributing quinine but a large part of the expenditure incurred under the heads of ‘medical’ ‘sanitation’ and ‘drainage.’

Statement referred to in the above answer.

		1900-01.	1901-02.	1902-03.	1903-04.
Total deaths from plague	...	71,783(a)	39,181	62,055	61,790
Total deaths from fever	...	1,699,037	1,587,225	1,743,653	1,616,795
<i>Expenditure on plague.</i>		Rs.	Rs.	Rs.	Rs.
From Provincial Revenues	...	3,26,549	1,37,444	72,687	60,265
„ District Funds	...	1,30,944	96,316	14,973	7,581(d)
„ District Road Funds	...	.....	.....	20	(b)
„ District Road Accounts	...	.....	182	.....	(b)
„ Municipal Fund (excluding Calcutta Municipality).	...	(c)	(c)	(c)	23,024
„ Calcutta Municipal Fund	...	2,50,147	2,97,002	1,52,289	1,42,339

(a) In addition to these there were 699 deaths from suspicious plague.

(b) Not available.

(c) Not shown separately. The figures for 1903-04 were given in consequence of orders in paragraph 35 of the Annual Government Resolution on Mufassil Municipalities for 1902-03.

(d) Figures for the first six months only.

SALARIES OF MINISTERIAL OFFICERS.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said :—

It appears from the Financial Statement for the year 1904-05 that a sum of four lakhs of rupees was provided therein for the increase of the salaries of Ministerial Officers, and in course of the debate which took place upon the Statement on the 16th April, 1904, it was stated on behalf of the Government that inquiries had been made and schemes submitted to the Government of India in connection with such provision. His Honour the Lieutenant-Governor was further pleased to observe that the matter which had his cordial sympathy "will receive the closest attention from the Bengal Government during this year." Now that the year is drawing to its close may I inquire—

- (a) whether this Government has received the sanction of the Government of India to the schemes above referred to?
- (b) if so, will the Government be pleased to state when these hard-worked and ill-paid ministerial officers are likely to obtain the relief contemplated by the above provision?
- (c) if the Government of India have not yet accorded such sanction, will the Government be pleased to inform the Council what the schemes are and what further action it proposes to take with a view to give effect to them?

The Hon'ble MR. SHIRRES replied :—

"The scheme has not yet been sanctioned. The Government of India find that there are certain matters to be cleared up before they can submit it to the Secretary of State. Government regrets the necessity for delay; for it is very desirous of seeing a sound scheme carried through."

LEVY OF ROAD CESS AND INCOME-TAX ON NON-AGRICULTURAL LANDS, ETC.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR asked :—

(a) Is the Government aware that the value of all *hāt*, fair, homestead and other non-agricultural lands is availed of for the purposes of assessment of both the road cess as well as the income-tax? And will the Government be pleased to consider whether the levying of both these taxes upon the same land is or is not illegal and inequitable?

(b) Has the attention of the Government been called to the case of *Umed Rasul Shaha Fakir vs. Anath Bandhu Choudhury* decided by the Calcutta High Court (Rampini and Gupta, JJ.) and reported in 28 I. L. R. (Cal.) 637, in which it has been distinctly held that the Board's Rule No. 33 of 1900 under which the road cess is levied upon such lands is *ultra vires*? And even apart from this decision, will the Government, in consideration of the manifest hardship which it entails on the tax-payers, be pleased to order the withdrawal or modification of the said or any subsequent similar rules of the Board of Revenue?

The Hon'ble BABU BHUPENDRA NATH BASU asked :—

(a) Does the Government levy both income-tax and road cess in respect of lands where *hāts* and *mélas* are held?

(b) Has the attention of Government been drawn to the ruling reported in I. L. R., 28 Cal., p. 637, where the High Court has held that the rule of the Board of Revenue directing payment of cess in respect of profits of *hāts* and fairs is *ultra vires*?

(c) Has the rule abovementioned been abrogated? If not, will the Government be pleased to direct that the said rule be withdrawn?

The Hon'ble MR. SHIRRES replied :—

"(a) It will be seen from section 5 (a) of the Income Tax Act and section 6 of the Road Cess Act that the law contemplates the payment both of income-tax

and of cesses in respect of rent or revenue derived from land which is not used for agricultural purposes. The Lieutenant-Governor does not regard these provisions of the law as inequitable.

“(b) The Board’s Rule No. 33 of 1900 which was declared by the ruling of the High Court to be *ultra vires* was, under the advice of the Legal Remembrancer, superseded by the Board’s Revenue Circular No. 2 of March, 1902. The High Court ruled that the profits of a *mela* are not assessable to Road Cess. This had always been accepted by the Board and the assessment animadverted upon by the High Court was contrary to the Board’s intention. A revised circular was issued to make it more clear that only the rent can be assessed to Road and Public Works Cesses. The Lieutenant-Governor does not propose to order the modification or withdrawal of their circular.”

EXPENSES OF WITNESSES IN CRIMINAL COURTS.

The Hon’ble BABU AMBIKA CHARAN MAZUMDAR said :—

May I invite the attention of the Government to the “Revised rules for the payment on the part of the Government of the expenses of the complainants and witnesses attending the Criminal Courts” passed in 1895? These rules provide diet allowances at the rates of only 2 annas *per diem* for ordinary labouring classes and 4 annas only for Indians of higher rank in life, which in these days of high prices all round are hardly sufficient even for an ordinary single meal of an individual of the respective classes for whom these rates are intended, and which probably also account to some extent for the unwillingness of witnesses in accepting summons of the Criminal Courts. Under the circumstances will the Government be pleased to consider the present inadequacy of these rates and revise the aforesaid rules so as to provide a suitable rate for the diet and other allowances of these people?

The Hon’ble MR. CARLYLE replied :—

“The Bengal Government has already instituted enquiries as to the adequacy of the rates now allowed on account of complainants and witnesses attending the Criminal Courts so far as the labouring classes are concerned. It will extend its enquiries to the question of the rates allowed to other classes.”

LANDLORDS’ FEES.

The Hon’ble BABU AMBIKA CHARAN MAZUMDAR said :—

In reply to my question about the “Landlords’ fees held in deposit” asked at a meeting of the Council held on the 7th January, 1905, the Hon’ble Mr. Earle said that these deposits “become the property of Government by lapse of time” and are incorporated with the Provincial Revenues of Government for meeting its ordinary expenditure.

Will the Government be pleased to state—

- (a) under what law and by what lapse of time these deposits have become the property of Government?
- (b) whether these deposits are not trust property kept in the hand of Government by tenants for payment to their landlords, and as such are incapable of being forfeited to Government by any lapse of time?
- (c) whether any demand for payment has yet been made by any of the payees in case of any of the deposits referred to in my question alluded to above?
- (d) will the Government be pleased to take the opinion of its Legal advisers as to whether these deposits have or can legally become the property of Government, and as to whether they are not still liable to be either paid to the landlords or refunded to the tenants when demands may be made by either of them?

The Hon'ble MR. EARLE replied:—

“(1) The question of the Hon'ble Member seems to be based upon a misapprehension. If he will peruse again the reply which I gave to the question asked at the meeting of this Council held on the 7th January, 1905, he will observe that I did not say, as he alleges, that landlords' fees 'become the property of Government by lapse of time,' and thus form part of the consolidated revenue of the Provincial Government which is required to meet its ordinary expenditure. What I said was that, 'in so far as these deposits become the property of Government by lapse of time, they form part of the consolidated revenue of the Provincial Government, which is required to meet its ordinary expenditure.' That reply was given after legal advice had been taken as to the circumstances in which these fees may become the property of Government; and the Lieutenant-Governor is not prepared to enter into further disquisition on the subject.

“(2) Government has no information whether any tenant has ever applied for the refund of any money deposited by him as a landlord's fee. Applications are made from time to time by landlords for fees deposited in their favour, and, when they are found to be valid, payments are made.

“(3) It may be added that, if it were held that these deposits are money held in trust for others by Government, the previous suggestion made by the Hon'ble Member on the 7th January, 1905, that Government should divert them for the benefit of District Boards, could not be entertained.”

THE SUBORDINATE EXECUTIVE SERVICE.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR asked :—

Will the Government be pleased to lay on the table a statement showing the names, age, race, and the educational qualifications (*i. e.*, whether passed the University Entrance, F.A., B.A., or M.A. examinations), the past services and other recommendations, if any, of each and all of the persons who have been admitted into the Subordinate Executive Service as Deputy Collectors and Sub-Deputy Collectors under its recent Resolution No. 5649A., dated the 26th December, 1904, by which the test of competitive examination for the recruitment of such service has been withdrawn?

The Hon'ble MR. CARLYLE replied:—

“No one has yet been admitted into the Subordinate Executive Service under the Resolution referred to. If the Hon'ble Member had read the rules annexed to the Resolution, he would have seen that nominations will not be received under its provisions until 1st October next.”

THE VICTORIA JUTE MILLS.

The Hon'ble BABU BHUPENDRA NATH BASU asked :—

Has the Government exempted the Victoria Jute Mill premises of Messrs. Thomas Duff & Co. within the Bhadreswar Municipality from the provisions of Part IX of the Bengal Municipal Act? If not, will the Government be pleased to state why no latrine-fee has been collected for the said Mill premises since first quarter of 1904? Is the Chairman of the said Municipality an employé of the said Company?

The Hon'ble MR. SHIRRES replied :—

“To the first part of the question the answer is in the negative and to the third part in the affirmative. Regarding the second part the Government has no information. The information may be obtained by means of a question at a meeting of the Municipal Commissioners or from an examination of the accounts, which, under section 71 of the Bengal Municipal Act, 1884, are open to the inspection of any tax-payer.”

SEPTIC TANKS AT SHAMNAGAR.

The Hon'ble BABU BHUPENDRA NATH BASU asked :—

Will the Government be pleased to state whether there are septic tanks in use at the Shamnagar or Teliniparah Jute Mills of the same Messrs. Thomas Duff & Co.? Are these installations situated much nearer to the Palta Water-works intake than any other inspected by the Septic Tank Committee? If so, why were not these installations inspected by the said Committee?

The Hon'ble MR. SHIRRES replied :—

“The Hon'ble Member must be referred to the Report of the Committee for the reasons which governed the selection of the Mills they visited.”

THE BENGAL SMOKE-NUISANCES BILL, 1904.

The Hon'ble Mr. Carlyle moved that the time for the preparation of the Report of the Select Committee on the Bill to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah, and to provide for the extension thereof to other areas in Bengal, be further extended to the 4th March next. He said :—

“All the replies have not yet been received and it is very desirable that the Select Committee should not begin work until they all come in.”

The Motion was put and agreed to.

THE SUNDARBANS BILL, 1904.

The Hon'ble Mr. Hare presented the Report of the Select Committee on the Bill to provide for the abolition of the office of Commissioner in the Sundarbans. He said :—

“The Report requires no remarks from me. It is full and complete in itself, so I merely make this application.”

THE BENGAL REPEALING BILL, 1905.

The Hon'ble Mr. Earle moved for leave to introduce a Bill to repeal the Bengal Contagious Diseases (Animals) Act, 1880. He said :—

“I beg for leave to introduce into the Council the Bengal Repealing Act, 1905. As Hon'ble Members will gather from the Statement of Objects and Reasons, the purport of the Bill is to withdraw the Bengal Contagious Diseases (Animals) Act, 1880, from all the areas within which that Act is at present in force and to introduce into those areas the Glanders and Farcy Act, 1899. The Bengal Act of 1880 applies, by virtue of section 1, to the town of Calcutta as defined by the notification of the 10th September, 1877. It has been extended, by orders published under section 14, to portions of Howrah, Sonapur, Kalimpong and Barhapur, its application being limited in the case of the last three places to the periods during which fairs are held there. When the Bill now under consideration becomes law, Act XIII of 1899 will be extended by notification to all those places. That Act is gradually being extended to all districts of the Province; and it has already been introduced into all the districts of the Patna Division, the Sonthal Parganas, Dacca, Burdwan and Hooghly, besides several municipalities.

“The Bengal Act of 1880 has been found in practice to be wholly ineffectual in checking the spread of contagious and infectious diseases amongst animals. In the first place its working depends entirely upon the initiative of the police; and police officers have neither the technical knowledge to enable them to detect the existence of the diseases referred to, nor the time required for coping successfully with them. On the other hand, under Act XIII of 1899 specially qualified whole-time

officers will be employed to carry out work under the Act under the supervision of the Superintendent of the Veterinary Department. In the next place, the power of entry and search conferred by section 7 of the Bengal Act is altogether insufficient. That section lays down that an Inspector of Police must have reasonable grounds for supposing that a horse is affected with disease or has lately been so infected before he can make a search in any place. This condition alone makes the Act impracticable, inasmuch as it is only by actual examination that it is possible to form an opinion whether an animal is or is not diseased. Sections 5 and 7 of Act XIII of 1899 give the requisite powers in this respect. Thirdly, the Bengal Act makes no provision for dealing with animals that have been in contact with diseased horses. This is a serious omission which is made good by section 11 of the India Act.

"I think that I have said quite enough to show that Act XIII of 1899 is superior to the Bengal Act in essential matters. The need of introducing it into Calcutta, Howrah and the neighbouring municipalities has long been recognised as a very pressing want. There is every reason to believe that glanders is far more rife than is apparent from the statistics yet collected; and even these are sufficiently serious to make preventive measures essential. The difficulty of introducing the Act hitherto has been the want of funds for the purpose. It has very properly been held that it was useless to introduce the Act into a big city like Calcutta until it had been found possible to provide funds for a really efficient and trustworthy staff. In this respect it is proposed to follow the example of Bombay city, where the diseases referred to have been suppressed without friction owing to the efficiency of the staff employed. In Calcutta and its neighbourhood there will be appointed one Chief Inspector, who will also be a Veterinary Practitioner, and seven Inspectors, who will also be Veterinary Practitioners. These men will work under the immediate control of the Superintendent of the Veterinary Department at Belgatchia. When rules are framed under section 14 of the Act, the rules which have worked with conspicuous success in Bombay will be adopted as far as practicable.

"I would invite attention to section 6 of the Bengal Act. Under section 6 of that Act when a hospital for contagious diseases is established in Calcutta, the expenses of the same shall, so far as is necessary, be a first charge on the surplus fees levied on the registration of hackney-carriages under Bengal Act V of 1866. There was a hospital of this kind in Calcutta up to the year 1901; but in that year it was removed to Belgatchia, the Calcutta Corporation consenting to pay a sum of Rs. 15 a month towards the cost of the establishment maintained in connection with that institution. It is not thought necessary to retain this section and the connected sections, inasmuch as there is no prospect of bringing the hospital for contagious diseases back to Calcutta.

"Lastly, on general grounds, it is very undesirable to retain the Bengal Act on the Statute Book on the introduction of the India Act, because if it were so retained, there would be two co-ordinate agencies working under different Acts in the same area, viz., the police working under the Commissioner of Police under the former Act and the Special Inspectors working under the Superintendent of the Veterinary Department under the latter Act. These are all the remarks that I consider it necessary to make on the present occasion."

The Motion was put and agreed to.

The Hon'ble Mr. Earle introduced the Bill and moved that it be read in Council.

The Motion was put and agreed to, and the Bill was read accordingly.

The Council was then adjourned to Saturday, the 4th March, 1905.

CALCUTTA;
The 14th February, 1905.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, MARCH 8, 1905.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 4th March, 1905, at 12-30 P.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding.*

The Hon'ble MR. L. HARE, C.I.E.

The Hon'ble MR. K. G. GUPTA.

The Hon'ble MR. B. L. GUPTA.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. L. P. SHIRRES.

The Hon'ble MR. A. EARLE.

The Hon'ble MR. R. T. GREER, C.S.I.

The Hon'ble BABU KALI PADA GHOSH, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble BABU SALIGRAM SINGH.

The Hon'ble MR. C. F. LARMOUR.

The Hon'ble MR. A. A. APCAR.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

The Hon'ble MR. J. CHAUDHURI, M.A.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

NEW MEMBER.

The Hon'ble MR. INGLIS took his seat in Council.

QUESTIONS AND ANSWERS.

DREDGING OF THE BHAGIRATHI RIVER.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA asked :—

(a) Is the Government going to take any steps, without further delay, for using dredgers for the improvement of the river Bhagirathi and Hooghly, as it has recognised the miserable condition of the river during the dry season?

(b) Does the Government consider that the necessity for the use of dredgers has ceased owing to the facility of communication likely to be secured by the opening of the Ranaghat-Katihar line?

(c) Does not the Government consider it desirable and necessary to remove the existing shoals and to secure a navigable channel with current throughout the year for the improvement of the sanitary condition of the large tracts through which the river runs?

(d) Does not the Government share the views of experts who believe that the Port of Calcutta would be materially prejudiced if the channel of the Bhagirathi and Hooghly be not properly improved and maintained?

(e) Is the Government aware that the merchants and traders carrying on inland trade prefer carrying their articles by river to railway, and does not the Government believe that, notwithstanding the facilities of connection to be had by the opening of the Ranaghat-Katihar line, the river traffic would increase to a considerable degree if the Bhagirathi-Hooghly river be made navigable throughout the year?

(f) If the Government be not prepared to make use of dredgers for improving the channel, would the Government be pleased to direct its officer in charge of the Nadia Rivers Division to make more extensive use of corrugated iron sheets and *sāl* posts in the Bandel works instead of bamboo mats and bamboo posts?

The Hon'ble MR. INGLIS replied :—

"It will be convenient if I answer questions (a), (b) and (c) together.

"The proposal to keep the Bhagirathi open for navigation throughout the year by means of large suction dredgers has never been seriously contemplated by this Government. Admitting that the scheme were practicable from an engineering point of view it would certainly be prohibitive on account of its great cost; and in view of the large expenditure which will shortly be incurred in the development of the railway systems near the river, it is highly improbable that the Government of India would sanction further expenditure in order to increase still further the means of communication with Calcutta for the Ganges traffic.

"A project for establishing direct water communication between Madareepore and Khulna has recently been submitted to the Government of India for sanction. In the estimate provision is made for the purchase of a large suction dredger. If the estimate is approved by the Secretary of State it will be possible to have the machine landed in India in the course of next year. It is the intention of Government to experiment with this dredger in removing the extensive shoal which has formed at the entrance of the Bhagirathi: should the experiment prove successful there is reason to believe that a good supply of fresh water will be assured in the upper parts of the river during the hot weather months.

"The answer to (d) is in the negative.

"(e) It is not the experience of this Government that merchants and traders prefer carrying their articles by river to railways. Since the Bengal-Nagpur Railway and the South Bihar Railway came into competition with the Orissa Canals, the Orissa Coast Canal, the Midnapore and the Sone Canals, the receipts from tolls in these canals have decreased by fifty per cent.

"(f) An experiment was made last year to train the shoals in the Nadia rivers by using corrugated iron sheets instead of mats in the preparation of the bandels.

"It has been decided not to continue the experiment as the results obtained were not commensurate with the cost incurred."

REDUCTION OF THE TRAFFIC STAFF ON THE EASTERN BENGAL STATE RAILWAY.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR asked :—

(a) Has the attention of the Government been called to two paragraphs which appeared in the *Bengalee* of the 21st September last and in the *Telegraph*

of the same date, in both of which it was stated that it was in contemplation to reduce the numerical strength of the Traffic Staff of the Eastern Bengal State Railway? Has the Government been yet consulted in the matter? And before any such reduction is sanctioned, will the Government be pleased thoroughly to consider the inexpediency of such a step particularly in view of the effect which such reductions may have on chances of accidents which are not unknown on this Railway?

(b) Will the Government, in view of the heavy traffic on this Railway and the risks attendant thereon, be further pleased to consider the propriety of extending the double lines from Poradah to Rajbari?

The Hon'ble MR. INGLIS replied:—

“(a) No general reduction of traffic staff on the Eastern Bengal State Railway has been carried out or is contemplated; but from time to time the traffic staff at the various stations on the system is adjusted by responsible officers to the strength which is considered by them to be necessary for the safe and efficient working of the traffic.

“Settlement of the details of the traffic staff to be employed at each station is entrusted by Government to the Manager of the Railway.

“(b) No special risks are entailed in working the traffic on the Poradah-Rajbari single line, and the line is capable of dealing with a heavier traffic than now ever passes over it.”

INCOME-TAX IN THE DISTRICTS OF BENGAL FOR 1901-1905.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR asked:—

Will the Government be pleased to call for and lay on the table a statement containing the following particulars regarding the assessment of income-tax in each district for the years 1901-1902, 1902-1903, 1903-1904 and 1904-1905, in the subjoined or any other form that may be found convenient?:—

Name of district—	1901-02.	1902-03.
1. Number of assesseees with income not less than Rs. 500, but less than Rs. 750
2. Number of assesseees with income not less than Rs. 750, but less than Rs. 1,000
3. Number of assesseees with income not less than Rs. 1,000, but less than Rs. 1,250
4. Number of assesseees with income not less than Rs. 1,250, but less than Rs. 1,500
5. Number of assesseees with income not less than Rs. 1,500, but less than Rs. 1,750
6. Number of assesseees with income not less than Rs. 1,750, but less than Rs. 2,000
Total Income-tax assessed for the year in each district
Name of district—	1903-04.	1904-05.
1. Number of assesseees with income not less than Rs. 1,000, but less than Rs. 1,250
2. Number of assesseees with income not less than Rs. 1,250, but less than Rs. 1,500
3. Number of assesseees with income not less than Rs. 1,500, but less than Rs. 1,750
4. Number of assesseees with income not less than Rs. 1,750, but less than Rs. 2,000
Total Income-tax assessed for the year in each district

The Hon'ble MR. SHERRIES replied:—

“A statement giving the information asked for by the Hon'ble Member for the years 1901-1902, 1902-1903 and 1903-1904 has been laid upon the table. Complete figures for 1904-1905 are not yet available.”

Statement of Income-tax Assessment in Bengal during the years 1901-1902, 1902-1903, and 1903-1904.

DIVISIONS AND DISTRICTS.	1901-1902.							1902-1903.							1903-1904.				
	Number of assesses from whom tax has been realized in part or in full.						Final demand on account of tax.	Number of assesses from whom tax has been realized in part or in full.						Final demand on account of tax.	Number of assesses from whom tax has been realized in part or in full.				Final demand on account of tax.
	Rs. 500-750.	Rs. 750-1,000.	Rs. 1,000-1,250.	Rs. 1,250-1,500.	Rs. 1,500-1,750.	Rs. 1,750-2,000.		Rs. 500-750.	Rs. 750-1,000.	Rs. 1,000-1,250.	Rs. 1,250-1,500.	Rs. 1,500-1,750.	Rs. 1,750-2,000.		Rs. 1,000-1,250.	Rs. 1,250-1,500.	Rs. 1,500-1,750.	Rs. 1,750-2,000.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
BENGAL.																			
BURDWAN DIVISION.																			
Burdwan ...	997	321	226	113	89	57	71,078	996	331	228	122	83	66	75,961	484	150	83	70	60,987
Birbhum ...	460	125	90	50	43	28	26,328	469	119	87	56	40	32	26,168	158	56	37	32	22,140
Bankura ...	567	178	106	38	29	13	18,326	568	173	106	43	33	13	18,644	131	48	33	17	12,130
Midnapore ...	3,035	609	405	191	139	89	99,369	2,971	689	429	202	150	91	1,06,222	502	179	132	96	66,589
Hoghly ...	1,366	347	244	119	109	57	59,814	1,274	360	235	131	106	66	61,275	432	146	110	54	50,489
Howrah ...	899	173	134	63	27	23	27,939	871	195	128	69	33	27	27,696	227	78	48	30	19,489
Total ...	7,224	1,753	1,205	674	436	267	3,02,854	7,149	1,867	1,204	623	445	295	3,15,876	1,984	657	443	250	2,37,112
PRESIDENCY DIVISION.																			
24 Parganas ...	1,954	541	303	174	102	100	79,133	2,053	573	327	173	119	108	84,420	723	246	156	123	73,639
Calcutta ...	10,078	2,644	2,557	1,040	1,033	1,345	26,48,668	9,917	2,584	2,539	1,086	1,065	1,334	27,19,213	4,682	1,086	1,125	1,397	25,34,009
Nadia ...	1,272	437	330	134	107	74	61,626	1,399	469	308	151	92	80	63,043	414	156	85	78	44,443
Murshidabad ...	1,136	327	207	121	67	35	75,011	1,227	311	215	129	70	37	75,650	411	122	84	44	62,693
Jessore ...	1,363	336	215	103	61	45	50,559	1,398	373	232	105	64	46	51,960	257	114	60	46	31,143
Khulna ...	1,409	434	218	121	64	53	46,319	1,458	425	223	121	68	58	47,266	268	109	81	55	27,793
Total ...	17,222	4,719	3,830	1,693	1,434	1,652	39,61,416	17,452	4,735	3,844	1,765	1,478	1,663	39,41,554	6,755	1,833	1,600	1,638	27,74,029
RAJSHAHI DIVISION.																			
Rajshahi ...	1,059	282	188	76	56	38	51,935	1,102	281	186	75	66	38	56,646	313	72	63	35	44,989
Dinajpur ...	2,041	585	314	157	100	70	63,355	2,094	588	311	158	101	76	68,153	353	142	100	75	38,739
Jaipur ...	629	137	90	37	31	29	36,778	615	143	89	40	27	24	38,086	143	46	26	22	27,807
Darjeeling ...	440	219	107	74	58	47	61,157	632	234	152	70	57	49	66,171	238	72	64	53	29,949
Rangpur ...	1,510	446	268	128	82	80	58,486	1,520	479	274	141	81	90	60,536	365	130	96	65	40,729
Bogra ...	494	201	133	88	62	37	30,181	531	191	144	86	58	39	31,474	153	88	56	35	23,139
Pabna ...	1,070	428	246	101	69	59	51,809	1,084	439	224	114	88	57	51,741	265	100	89	62	33,249
Total ...	7,443	2,298	1,346	661	458	360	3,58,701	7,578	2,355	1,380	684	478	373	3,71,306	1,830	650	494	377	2,67,519
DACCA DIVISION.																			
Dacca ...	1,724	554	337	149	91	54	98,203	1,701	541	344	142	92	64	1,04,667	459	144	104	65	70,809
Mymensingh ...	2,359	619	428	188	143	84	1,10,075	2,433	664	427	185	164	85	1,13,566	565	179	150	90	80,509
Faridpur ...	1,430	530	336	143	87	57	58,414	1,390	540	366	143	87	71	59,914	527	146	92	70	41,299
Backergunge ...	1,302	494	293	172	98	81	75,397	1,362	533	292	184	104	75	78,599	443	182	113	71	61,239
Total ...	6,815	2,197	1,394	652	419	276	3,40,089	6,886	2,278	1,429	654	447	293	3,56,746	1,994	651	459	296	2,84,119
CHITTAGONG DIVISION.																			
Tippera ...	959	274	164	97	62	63	49,560	1,011	303	198	103	69	68	56,669	331	108	79	71	40,759
Noakhali ...	605	176	105	58	40	31	22,551	619	176	123	57	44	31	23,067	276	56	37	39	15,559
Chittagong ...	1,375	322	196	77	71	37	58,268	1,343	319	198	86	59	57	57,756	473	81	60	52	39,809
Total ...	2,939	772	465	232	173	131	1,28,379	2,973	798	519	246	172	156	1,37,492	1,080	245	176	162	96,409
BIHAR.																			
PATNA DIVISION.																			
Patna ...	938	362	304	131	78	65	82,835	877	380	232	114	84	60	81,372	347	119	85	66	65,839
Gaya ...	1,263	425	282	134	108	70	83,077	1,289	413	270	135	104	82	87,118	288	139	98	87	69,739
Shahabad ...	946	306	211	83	69	54	50,763	930	284	197	85	69	56	49,577	290	77	67	41	36,939
Saran ...	1,355	500	346	161	115	97	82,893	1,348	527	321	173	116	90	82,843	427	167	121	83	60,739
Champaran ...	920	287	161	83	69	45	55,227	881	329	169	89	61	46	56,985	181	86	70	46	40,739
Muzaffarpur ...	1,418	368	244	101	77	45	67,740	1,423	408	247	105	75	59	68,048	413	102	89	60	40,739
Darbhanga ...	1,329	491	303	162	82	76	77,639	1,358	495	298	170	82	77	78,127	325	164	93	60	50,739
Total ...	8,160	2,739	1,851	855	588	452	5,00,114	8,106	2,836	1,774	871	591	470	5,04,072	2,371	854	623	451	3,33,119
BHAGALPUR DIVISION.																			
Monghyr ...	1,334	471	325	175	85	68	72,093	1,305	521	311	157	99	71	75,872	445	166	109	82	60,739
Bhagalpur ...	1,763	457	326	175	113	101	92,591	1,816	489	346	194	105	113	95,855	459	208	113	109	73,739
Purnea ...	1,853	483	295	136	92	63	74,817	1,807	475	298	136	106	64	71,111	324	127	99	68	50,739
Malda ...	617	220	129	77	39	35	31,482	658	240	129	81	40	31	32,689	215	78	50	41	20,739
Sonthal Parganas ...	751	322	231	90	56	46	35,071	784	346	251	94	69	51	38,382	318	114	71	50	28,739
Total ...	6,318	1,933	1,306	653	385	313	3,06,054	6,370	2,071	1,335	662	419	330	3,13,939	1,761	603	432	347	2,38,119
ORISSA.																			
ORISSA DIVISION.																			
Cuttack ...	825	235	108	61	39	30	31,850	840	220	128	56	37	33	32,100	155	45	39	33	20,739
Balasore ...	637	165	80	48	19	11	17,925	687	209	101	33	24	18	23,305	185	44	15	15	10,739
Puri ...	413	159	118	67	44	48	26,635	431	180	130	71	50	47	27,729	248	85	50	48	18,739
Total ...	1,875	559	306	176	102	89	76,410	1,958	609	359	160	111	98	83,143	588	174	105	105	39,739
CHOTA NAGPUR.																			
CHOTA NAGPUR DIVISION.																			
Hazaribagh ...	712	191	104	44	25	15	28,871	809	227	119	46	24	18	31,820	230	52	38	24	14,739
Ranchi ...	576	113	87	36	31	28	19,275	612	116	76	46	31	25	19,919	184	50	37	28	11,739
Palamau ...	494	151	70	43	20	16	14,904	504	160	64	36	18	16	14,889	94	27	13	12	5,739
Manbhum ...	539	205	142	61	45	42	76,632	559	242	158	71	58	46	68,176	207	76	50	41	20,739
Singbhum ...	292	96	55	22	12	8	12,295	323	94	56	29	16	9	14,672	83	32	22	10	5,739
Total ...	2,613	756	458	206	151	100	1,51,998	2,807	839	473	228	147	116	1,49,376	807	237	165	117	1,11,739
GRAND TOTAL	60,608	17,746	12,161	5,702	4,146	3,649	51,26,015	61,279	18,388	12,317	5,893	4,288	3,794	52,74,094	19,070	5,994	4,497	3,887	44,259

STRIKE IN THE GOVERNMENT SHELLFACTORY AT COSSIPORE.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR asked :—

Has the attention of the Government been called to a paragraph in the *Amrita Bazar Patrika* of the 17th February, 1905, in which it is stated that over three thousand workmen have struck work at the Government Shell Factory at Cossipore? Is it true, as stated in the said paragraph, that the strike is due to the factory authorities having extended the working hours, from 8 A.M. to 4 P.M., to 7-45 A.M. to 8-15 P.M.? If so, will the Government be pleased to inform the Council what action it has taken or proposes to take with a view to pacify the strike?

The Hon'ble MR. EARLE replied :—

"The attention of Government had not been drawn to the paragraph in question when the Hon'ble Member put his question. Inasmuch as the Government Shell Factory at Cossipore is administered by the Government of India through the Director-General of Ordnance, the Lieutenant-Governor confined himself to ascertaining that the strikers returned to work after two days and that the public peace was in no way endangered."

RAILWAY LINE BETWEEN GOPALPUR AND SERAJGANJ.

The Hon'ble MR. CHAUDHURI asked :—

Will the Government be pleased to state what is being done with regard to the proposed railway between Gopalpur and Serajganj?

The Hon'ble MR. INGLIS replied :—

"A survey and estimate for a line from near Gopalpur to Serajganj have been completed. The line would be 49½ miles long to the town of Serajganj, and, on the broad gauge, is estimated to cost 62 lakhs of rupees. An investigation has also been made during the present cold season of the possibility of extending the line to opposite Jaganathgunge, the terminus of the Dacca system of railways. An estimate of the cost of such an extension is now under preparation."

RETURNS OF BIRTHS AND DEATHS IN THE DISTRICTS OF JESSORE AND NADIA AND IN THE SUB-DIVISION OF NATORE FOR 1901--1905.

The Hon'ble MR. CHAUDHURI asked :—

Will the Government be pleased to lay on the table a tabular statement giving for the years 1901-1902, 1902-1903, 1903-1904, 1904-1905, the births and deaths (and in the case of the latter, showing in separate columns those due to fever and cholera and the total number of deaths and the rate *per mille*, in the district of Jessore; in such important places in the district of Nadia, as Krishnagar, Navadwip, Santipur, Meherpur, Chakdah, Kushtia, Kumarkhali and in the Sub-division of Natore in the Rajshahi Division, all of which showed a decline of population at the last census?

The Hon'ble MR. SHIRRES replied :—

"A statement which contains the information asked for by the Hon'ble Member has been laid upon the table."

NAMES OF DISTRICTS AND TOWNS.	Population according to census of		Births.				DEATHS.															
							Cholera.				Fever.				Total deaths.				Ratio per mille.			
	1891.	1901.	1901.	1902.	1903.	1904.	1901.	1902.	1903.	1904.	1901.	1902.	1903.	1904.	1901.	1902.	1903.	1904.	1901.	1902.	1903.	1904.
Jessore district ...	1,888,827	1,813,155	64,040	63,399	55,829	62,602	5,431	5,116	4,827	7,752	51,136	65,279	56,827	61,608	63,002	77,133	67,855	76,993	34.74	42.54	37.42	42.46
Nadia district.																						
Krishnagar town	25,500	24,547	532	621	437	612	64	130	56	82	495	691	570	453	662	919	707	663	26.96	37.43	28.80	27.00
Navadwip "	13,334	10,880	247	234	197	323	10	121	132	9	265	286	276	224	348	463	446	274	31.98	42.55	40.99	25.18
Santipur "	30,437	26,898	822	1,262	892	1,133	18	125	46	53	680	743	693	552	908	1,095	953	929	33.75	40.70	35.43	34.23
Chakdah "	8,618	5,482	128	195	153	154	25	16	57	7	187	203	184	130	256	257	272	164	43.04	46.88	40.61	29.91
Kushtia "	4,900*	5,339	143	138	115	170	1	12	8	18	110	142	90	122	134	166	113	162	23.26	31.14	21.20	30.39
Kumarkhali "	6,165	4,584	154	145	95	142	3	11	17	18	126	174	172	167	148	200	199	205	32.23	45.29	43.51	44.72
Meherpur "	6,820	5,766	238	186	142	252	5	29	15	9	114	249	137	142	164	334	180	185	28.44	57.92	31.21	32.08
Rajshahi district.																						
Natore subdivision	326,017	302,981	12,920	11,833	11,590	13,662	372	705	558	1,240	11,274	12,725	10,003	13,842	13,271	15,056	12,255	16,599	40.70	49.69	40.44	55.77

* The population of Kushtia, according to the census of 1891, was 11,890. In the year 1895, however, the area of the Municipality was reduced by the exclusion of a portion of it. The figures given in the statement show the population of the remaining area.

THE BENGAL SMOKE-NUISANCES BILL, 1904.

The Hon'ble MR. CARLYLE presented the Report of the Select Committee on the Bill to amend the law relating to the abatement of nuisances arising from the smoke of furnaces or fire-places in the town and suburbs of Calcutta and in Howrah, and to provide for the extension thereof to other areas in Bengal. He said:—

“Government propose to take up the discussion of the Bill on the 25th of this month.”

THE SUNDARBANS BILL, 1904.

The Hon'ble MR. HARE moved that the Report of the Select Committee on the Bill to provide for the abolition of the office of Commissioner in the Sundarbans be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. HARE also moved that the clauses of the Bill be considered in the form recommended by the Select Committee.

The Motion was put and agreed to.

Clauses 3 and 4.

The Hon'ble MR. CHAUDHURI moved that clause 4 of the Bill be omitted. He said:—

“Having regard to the comprehensive character of clause 3 of the Bill as settled in Committee, clause 4 of the same seems to me to be a superfluity. If all the powers and functions that were formerly vested in, and exercised by, the Commissioner in the Sundarbans are now to be vested in, and exercised by, the Collector of a district, it goes without saying that any reference to the said Commissioner in the existing leases, agreements and *amalnamas* will be interpreted by the Law Courts as referring to the Collector. A reference to the terms of the leases will show that there need be no apprehension on this account.

“But before referring to the leases I would point out that if clause 4 stood in its present form it might give rise to difficulties of the very nature which it is its object to remove. This clause says that in respect of written instruments relating to land in the Sundarbans, all references to the ‘Commissioner in the Sundarbans’ will be construed as referring to a Collector. The Commissioner in the Sundarbans had also other duties. For instance, Regulation IX of 1816 placed him in charge of the Akbari Mahal, and the Report of Select Committee purports to transfer his powers and functions in this respect as well to the Collector. In exercise of such functions he might have had to execute written instruments, such as the granting of licenses, &c. Written grants of this kind would not surely fall within the category of ‘written instruments relating to land.’

“The expression ‘relating to land’ goes to restrict the scope of the interpretation clause considerably. A similar expression, viz., ‘disputes relating to land’ in the Code of Criminal Procedure has given rise to a great deal of litigation and legal interpretation; and, if possible, I would avoid such expression in an interpretation clause. Supposing the Commissioner in the Sundarbans had to lease out fisheries or grant license for cutting wood, gathering wax and honey, collecting shells, &c., grants of this kind made in writing would not surely be classed as instruments relating to land. In case if such documents or other agreements or contracts, which may not relate to land, are forthcoming, any reference therein to the Commissioner in the Sundarbans ought surely to refer to the Collector. The Hon'ble Mr. Collin mentions in his note, on this Bill that besides the leases referred to by him, there may be other deeds and documents which he has not been able to trace. But under the present limitations of clause 4, question may arise as to whether reference to the Commissioner in such instruments will refer to the Collector. The three instances of powers reserved to the Commissioner in the Sundarbans in the cultivation, the *howladari* leases or *amalnamas* would, as a matter of course, be exerciseable by the Collectors who are now vested with the Commissioner's powers within their local jurisdiction both by virtue of clause 3 and by the terms of the very written instruments themselves.

"For instance, in cultivation leases it is provided that in cases of boundary disputes between lessees of adjoining plots, the dispute is to be submitted to the decision of 'the officer exercising the powers of the Commissioner of the Sundarbans for the time being.' Now after clause 3 becomes law these words would unmistakeably and unquestionably point to the Collector within his local area as exercising such powers. I am sure that the Hon'ble Members will agree that if there be any possibility of the existence of any written instruments other than those relating to land, it would be better to drop clause 4 altogether."

The Hon'ble MR. O'KINEALY said:—"I regret I am unable to support the amendment proposed by the Hon'ble Mr. Chaudhuri. It seems to me that acceptance of that amendment by the Council will be placing upon the words of the third clause a greater strain than they could bear. The Regulation which it is the object of this Bill to repeal by the second section vested certain powers in the Commissioner, and these are the words of section 2, Regulation IX of 1816: 'The Commissioner shall be vested with all the duties, powers and authority which have been or may be exercised by the Collectors of Land Revenue (including the charge of the Abkari Mahal) under the rules and regulations which may have been or may be enacted.'

"As I have said, it being the object of this Bill to repeal this Regulation, it became necessary to restore those powers which had been given to the Commissioner of the Sundarbans to the officers from whom they had been taken, and that is what clause 3 proposes to do. It follows the words of section 2, which confer powers on the Commissioner of the Sundarbans under the Regulation of 1816, and enacts that: 'All the powers and functions heretofore vested in and exercised by the Commissioner in the Sundarbans in any district shall henceforth be vested in and exercisable by the Collector of that district.'

"There were duties other than those I have mentioned which the Commissioner of the Sundarbans had to perform, and they were what might be called the duties of an arbitrator, that is to say in granting leases, *amalnams* and other documents concerning the leasing of land in the Sundarbans there were provisions to prevent unnecessary resort to litigation in cases of disputes and to prevent also resort to physical force in cases of persons disputing about the boundaries of their holdings. There was always a clause in these leases that the settlement of disputes which might occur, if they did occur, between neighbouring landholders, should be referred to the Commissioner of the Sundarbans for his decision. In acting in this way under powers which are not given by the law but acting merely in the position of a private arbitrator owing to an agreement between the different parties it seemed to the Select Committee—and I think rightly—that this was a class of matters which was not dealt with by clause 3, because as I say in this latter class of cases the Commissioner of the Sundarbans is in the position of a private individual and not in the position of a public officer having statutory powers.

"The Select Committee therefore thought it necessary to deal with this class of duties of the Commissioner of the Sundarbans and give those powers to the Collector, because it is of the greatest possible importance that the powers which were exercisable by the Commissioner should be exercised by somebody else, as otherwise the result would be that the landholders in the Sundarbans would be either driven to physical force for the purpose of settling their disputes, or to litigation which might mean to them ruin. In that view the Select Committee drafted the fourth clause in this way:—

In every written instrument relating to land in the Sundarbans executed prior to the commencement of this Act, all references to "the Commissioner in the Sundarbans" shall be construed as referring to the Collector of the district in which the land or any part of it is situated.

"The matter has been enquired into, and I understand there are no documents or deeds other than those in connection with land in the Sundarbans, and the duties cast upon the Commissioner of the Sundarbans are wholly within this section. The Select Committee therefore confined themselves to the question of land in the Sundarbans, because if one makes a section so wide as to make it indeterminate, it is not merely a flaw in legislating, but it becomes a danger. There may be some of these leases which cover lands extending over more than the borders of a neighbouring district, and if it were left that the Collector of the district should be substituted merely for the Commissioner of the Sundarbans in leases in which the land extends over the boundary of a district

it would be indeterminate, and one could not say who was the Collector to exercise jurisdiction. To avoid that difficulty the Select Committee thought that the words 'in which the land or any part of it is situated' must be put in. The Collector of each district may have jurisdiction. In all probability the dispute arises in a portion of the land which is within a certain district, it will be the Collector of that district who will exercise jurisdiction.

"Therefore I submit that clause 4 of the Bill deals with matters which are foreign to clause 3, and to abolish clause 4 and leave clause 3 to do the functions of both clauses would, as I say, put upon it a strain which the words of the clause would not bear."

The Hon'ble MR. HARE said:—"I agree with the Hon'ble Mr. O'Kineal that it is necessary and desirable to retain clause 4, partly for the reasons which have been given in the Report of the Select Committee, and for the further reason that there may be agreements in which the Commissioner of the Sundarbans may be mentioned as an arbitrator in a *quasi-private* capacity. I think therefore it is necessary that we should retain clause 4, and I oppose the amendment."

The Hon'ble BABU BHUPENDRA NATH BASU said:—"I support the learned Advocate-General in the contention he has submitted to the Council. Section 3 of the Select Committee's Report deals with the powers and functions of the Commissioner in the Sundarbans—powers and functions which he may emphasise or which may be vested in him under any Statute, and section 4 deals with documents in which the Commissioner of the Sundarbans is referred to either in a private capacity or in a *quasi-public* capacity and in which he exercises powers and functions not devising them by Statute, but under agreement. I think it might lead to a great deal of difficulty and confusion if section 4 as drafted by the Select Committee were omitted. The only objection that the Hon'ble Mr. Chaudhuri has to this section is that it is superfluous; but on the other hand the omission of it may give rise to great difficulties, and in that view I would humbly submit that the recommendation of the Select Committee with regard to this section may be accepted."

The Hon'ble BABU KALI PADA GHOSH said:—"Although I fully agree with the Hon'ble Mr. Chaudhuri that the word 'land' as used in clause 4 of the Bill may give rise to controversy, I cannot go so far as to say that the clause should be omitted, and I agree with the Advocate-General, for the reason stated by him, that the retention of clause 4 is necessary."

The Hon'ble MR. CHAUDHURI, in reply, said:—"I beg to correct the Hon'ble Babu Bhupendra Nath Basu when he says that my only objection to clause 4 is that it is superfluous. I did not simply say that it was superfluous, but I urged for its omission also because of the limited nature of the expression 'instrument relating to land.' It does not cover general agreements and contracts. If there were none of that kind, I would not press my objection; but if there be any—and we are not sure whether that is the case or not—it would be rather risky to have clause 4 in its present form."

The Motion was then put and lost.

The Hon'ble MR. CHAUDHURI also moved that clause 3 of the Bill be amended as follows and that clause 4 be omitted:—

All the powers and functions heretofore vested in, and exercised by, the Commissioner in the Sundarbans in any district shall henceforth be vested in, and exercisable by the Collector of that district, and in every written instrument all references to the Commissioner in the Sundarbans shall be construed as referring to the Collector.

He said:—"I have already given my reasons for regarding clause 4 as it stands now as being of very restricted operation, limited as it is in regard to written instruments relating to land. I think, therefore, that if it be desirable to retain it, it would be better to read the two together as above. In the amendment I propose, clause 4 has been tacked on to clause 3 with certain omissions. The expression 'relating to land' has been omitted to widen the scope of the interpretation clause. In the next place, "although the words 'Collector of the district in which the land or any part of it is situated' are omitted, still in clause 3 the words 'by the Collector of that district' all ambiguity is removed with regard to the expression 'Collector' with which the amended clause closes. If it is the Collector by

whom all the powers and functions heretofore vested in, and exercised by the Commissioner in the Sundarbans is to be exercised within whose local area any boundary disputes arise, he will surely be the officer who would arbitrate with regard to such boundary disputes. If the boundary extends to the jurisdiction of another Collector, either of them or both may arbitrate by arrangement. If we go on reading clause 4 into clause 3 thus 'and in every written instrument' without limiting the expression 'written instrument' to land, then it would include agreements, contracts, deeds or documents of every kind, and in such written instruments all references to the Commissioner in the Sundarbans will be construed as referring to the Collector. In putting clause 3 in the form in which I have, I think it will cover the interpretation clause and at the same time obviate the difficulties that may arise from limiting clause 4 to written instruments relating to land."

The Hon'ble Mr. O'KINEALY said:—"I regret that I cannot support the present amendment of the Hon'ble Mr. Chaudhuri. The first objection that I have to the amendment he now proposes is this. I explained in the observation which I made on the previous amendment that the subjects of clause 3 and clause 4 as they now stand are entirely different and distinct and have nothing to do one with the other. What the Hon'ble Member proposes to do is to mix those clauses together, that is to say, to make one clause deal with two different description of matters instead of having them dealt with separately as they are in the present Bill. That is to my mind a flaw in the proposed amendment which will prevent my supporting it.

"But there is also this. The proposed amendment necessitates that the words of section 3 as they now stand should be made to support the provisions of clause 4 which relate to entirely different matters. That I think is another flaw which shows that the present manner—that is, the manner in which the Select Committee have dealt with these two clauses—is preferable to that proposed by the Hon'ble Member.

"There is another matter also in which this clause is ambiguous, and that is with reference to leases of land extending over two districts. There is no provision which covers this at all, and the Hon'ble Member has had to resort to an elaborate argument for the purpose of supporting his view. I think it is desirable to avoid any such necessity, and that it is better to make the sections plain and distinct as to what they are intended to mean.

"There is another matter with reference to this amendment which I think makes it dangerous. So far as is known the only matters to which clause 4 can apply are matters and incidents dealing with land. No other are known in which the powers of the Commissioner of the Sundarbans are exerciseable in a private manner, and if that be the case it seems to me that it would be wrong to unnecessarily widen the language and make it so indefinite that it would be impossible to say to what it did refer. The language which is used in the section as drafted by the Select Committee deals with the circumstances so far as they are known, and I should think that it would be dangerous to widen the section in any way so as to deal with matters which, so far as is known, do not exist."

The Hon'ble Mr. HARE said:—"I must oppose the present amendment. I think, having retained clause 4 of the Bill, it fully fulfils the purposes that we intend. The amendment proposed would be too vague even if it could be adopted for other reasons. If an instrument does not relate to land, it is difficult to say what Collector would be applied to in view of the fact that there are 39 Collectors; but in any case I am bound to oppose this amendment because I prefer the clause in the Bill before us."

The Hon'ble BABU KALI PADA GHOSH said:—"In discussing the previous amendment, the Hon'ble the Advocate-General said, if I understood him correctly, that the words 'all instruments relating to land in the Sundarbans' related to the subject-matter of land and nothing else. Whether that would be

so or not is not quite certain, but I do not think any useful purpose would be served by tacking clause 4 to clause 3 as has been proposed by the Hon'ble Mr. Chaudhuri, and I regret I am not in favour of the amendment proposed by Mr. Chaudhuri."

The Motion was then put and lost.

The Hon'ble BABU AMBICA CHARAN MAZUMDAR moved that the words "land in" after the words "relating to" in clause 4 of the Bill be omitted; and that for the words and expression "land or any part of it" in the said clause the words and expression "subject-matter of such instrument or any part thereof" be substituted. He said:—

"I had the privilege of hearing the Hon'ble Advocate-General in advance of my amendment, and yet I must confess I am not quite satisfied, and consequently I am under the necessity of moving the amendment. The reason for the amendment is quite obvious. The clause as it stands refers simply to land, and there is no doubt about it. This, Sir, seems to me to be neither clear nor exhaustive. There may be instruments relating not only to land but also to water, to the gathering of wax or to the cutting of timber or relating to any other products of the forest, which have always been abundant in the Sundarbans. The Hon'ble Mr. Collin, who ought to be taken as an authority in this matter, himself says there may exist similar cases in some of the old leases or deeds, but that he has not been able to trace any, as the leases generally refer to the 'Commissioner in the Sundarbans or other officer appointed by Government.' No doubt the Hon'ble Advocate-General has told us that all the instruments that exist refer only to land, but I am unable to persuade myself to believe that ever since the beginning of the last century we have had instruments relating only to land.

"As a matter of fact it may not be unknown to many persons who actually know about the working of the Sundarbans that there were leases of various other kinds, namely, for cutting timber; there might have been leases for gathering wax and so forth. To say that there are no other instruments would, I believe, be going to the region almost of prophecy. I should have liked to have heard some of the Hon'ble Members of this Council who have access to these records to say that there were none; in fact I find that the Hon'ble Mr. Collin says that he has not been able to trace out other documents; in fact it would be impossible to trace out all of them. This is only a short time ago, and I do not know what flood of knowledge or information has been thrown amongst us to enable us to say that there are no other leases. Supposing even that there are none: do we ask too much to be more precise and more careful? In this matter, in fact, Your Honour will find that clause *First* of section 13 itself notices some of these various kinds of instruments, such as gathering wax and so forth. In this state of uncertainty I think we would be acting more wisely in making the clause more general in its application instead of restricting it simply to instruments relating to land only.

"It has not been contended, nor do I think will it be contended, that any shelter will be sought to be taken under the General Clauses Act, for neither in the Government of India General Clauses Act nor in the Bengal General Clauses Act is there any definition of the word 'land.' The only definition of 'land' that we find is in the Interpretation Act, 52 & 53 Vict., cap. 63, but even there the definition is not wide enough to cover the kind of interest, or rather privilege, to which I have referred. Besides, if in the face of section 10 of the Bengal General Clauses Act we found it expedient to provide this clause, I do not understand how we can be quite free from apprehension that we may not be misunderstood, and that difficulties may not arise hereafter if any question relating to any instruments other than that of land should come up for consideration, and it seems to me that when we have undertaken to settle all doubts, a whole measure would be better than a half measure. Where is the difficulty in making the clause more general?

"I do not, of course, understand the Hon'ble Advocate-General to mean that simply because the Select Committee has brought it in this fashion therefore

it ought to be maintained. The thing is, we are going to amend the law, and if we see that the use of certain other words would make it more general so as to cover a much larger area than might be covered by the words settled by the Select Committee, I do not see there ought to be any difficulty in accepting it, at all events as a precautionary measure against all possible contingencies. With these observations, I beg to place the amendment before the Council."

The Hon'ble MR. HARE said:—"I must oppose this amendment. I think no case has been made out for extending clause 4 so as to cover all written instruments, and I therefore think the clause may stand as it is in the Bill now before the Council."

The Hon'ble MR. EARLE said:—"I should like to point out that the Commissioner in the Sundarbans could only act as an arbitrator in his private capacity or in a semi-private capacity by permission of the Board of Revenue. The Board gave him that permission under certain forms of leases that are given in the Waste Lands Manual. Those forms of leases refer entirely to land, and not to water, timber or any other article. It seems to me, therefore, to be quite unnecessary to widen the scope of the section in the manner proposed by the Hon'ble Babu Ambika Charan Mazumdar."

The Hon'ble MR. COLLIN said:—"As the Hon'ble Babu Ambika Charan Mazumdar has referred to me as an authority in such flattering terms, I would only say that in the letter in which I raised the point on which clause 4 was added, I referred to certain forms of leases which are in existence and which are to be found under the Waste Land Rules and in which certain power is given to the Commissioner in the Sundarbans. I also said that there may be some other agreements which I had not been able to trace. I referred then entirely to agreements with reference to land. The different conditions under which grants have been given in the Sundarbans have varied considerably since the Commissionership was appointed, and at one time the Commissioner was a much greater man than he is now, and my impression is that in some of the old leases referring especially to revenue-free lands on Saugor Island, I have seen a reference to the Commissioner in the Sundarbans as being given power to decide certain disputes. It was entirely with reference to those matters that I wrote my letter which has been referred to, and I had not in my mind any reference to any other forms of agreements, such as for collection of wax or fisheries. Those matters are entirely dealt with by the Forest Department. So far as any land has been settled by the Commissioner in the Sundarbans it has been settled with the proprietors without any reservations. Any other land which remains unsettled is under the Forest Department either as a Reserve forest or as a Protected forest, and the rules of the Forest Department govern all the arrangements for collection of revenue."

The Hon'ble BABU KALI PADA GHOSH said:—"I confess I have no practical experience of the working of the Sundarbans forests; but taking a common-sense view of the matter I should say, Sir, the amendment proposed by the Hon'ble Babu Ambika Charan Mazumdar ought to be accepted. Although it may be the fact that in instruments that have been already executed in connection with the Sundarbans only land forms the subject-matter of such instruments, it may so happen that in future leases something other than land or anything connected with forest may be treated in such instruments, and to obviate all difficulties in this connection it would be desirable to accept the amendment proposed by my friend. I do not see any harm in doing so, because all that it aims at is to cover instruments that may relate to matters other than land, and I think it would be wise to accept such amendment."

The Hon'ble MR. SHIRRES said:—"I venture to think that it was incumbent on the Hon'ble Member to produce proof of the existence of some documents which would be prejudicially affected by the proposed legislation. It is neither customary nor wise to legislate on hypothetical possibilities. It is the invariable practice to confine ourselves, when legislating, to ascertained facts."

The Hon'ble BABU BHUPENDRA NATH BASU said :—" If my friend, the Hon'ble Babu Ambika Charan Mazumdar, were able to cite cases or instances in which leases relating to things other than land were dealt with or referred to I should have had no hesitation in supporting his amendment; but when I find that the officers, who are principally responsible for the administration of the tract known as the Sundarbans, do not themselves want any such provision as my friend suggests, I do not think it is desirable on the part of non-official Members of this Council and having no part in the administration of this tract to press the amendment which is not wanted by those who are responsible for the administration of that part, and in that view I do not see my way to support the amendment of the Hon'ble Member."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR, in reply, said :—" I will only make one observation with reference to the remarks which have just fallen from my friend, the Hon'ble Babu Bhupendra Nath Basu. I do not admit that there is any difference between official and non-official Members in the consideration of any Bill. It is as much the interest of the official as the non-official Members to see that laws are made so as to be satisfactory in dealing with every possible case that may arise, and the responsibility for this will rest as much with us as with the official Members. I have already stated my views in support of the amendment, but I am asked to cite instances in order to convince Hon'ble Members as to the propriety of my amendment. The fact is that my amendment only aids in dealing with possible contingencies. As I have already said, not that there are actual instances which I can cite, but what I mean to say is that instances might arise which might throw us into difficulties, and it is with that view that I propose my amendment. I have nothing further to add."

The Motion was then put and lost.

New Clauses.

The Hon'ble MR. CHAUDHURI, by leave of the Council, withdrew the following motion of which he had given notice, *namely* :—

That the following clause be inserted after clause 3 of the Bill :—

"4. In clause *Second* of section 13 of the Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1828,—

- (a) for the words 'Commissioner of the Sundarbans' and 'Commissioner' the words 'Deputy Collector' shall be substituted; and
- (b) for the word 'Commissioner's,' in both places in which it occurs, the words 'Deputy Collector's' shall be substituted."

The Hon'ble MR. CHAUDHURI moved that clause *Second* of section 13 of the Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1828, be repealed. He said :—

"The amendment proposed relates to the survey of the Sundarbans. In the Regulation of 1828 there is provision for carrying on a survey for determining the limits of the Sundarbans. In the preamble to that Regulation, it is stated that it is 'desirable to make provision for the immediate settlement of the limits of the Sundarbans, as ascertained by careful local inquiry, conducted by the Commissioner especially appointed to the duty and the surveyors under his authority.' When it was necessary for Government to determine the boundaries of the Sundarbans they appointed a Special Commissioner for carrying on the survey, and when the survey was carried on at the spot certain powers were given to the Commissioner to hear objections and certain limitations were imposed by which if objections were not made within three months they would not be allowed. Then there were other provisions for disputing the boundaries as determined by the survey. The following is the second clause of the Regulation referred to :—

The boundary of the Sundarbans jungle shall be laid down by accurate survey, as determined on the spot by the Commissioner of the Sundarbans; and any zamindar, taluqdar, or party interested shall be entitled, on application made through the Commissioner, and on payment of the charge of preparing the same, to receive a copy of the survey map or of any

part of the same, with the boundary marked there as so determined, together with a copy of the Commissioner's proceedings on the subject.

Any party deeming his right injured by the demarcation so laid down shall be at liberty, at any time within three months from the date of the Commissioner's proceeding fixing the same (which proceeding shall always be held and published on the spot), to contest the same by petition to the ordinary Courts of Justice by which the case is cognizable, praying further investigation:

Provided that no plea of objection against the line of demarcation laid down shall be heard or admitted, excepting only such as shall declare and offer proof that at the time of survey a specific quantity of land or land with defined limits was in the occupation of the petitioner cleared and under cultivation, which, by the line of demarcation adopted, is placed within the Sundarban tract belonging to Government.

Every such application so made shall be regarded as a claim to hold the tract claimed free of the public assessment, and shall be investigated and decided under the rules of Regulation II, 1819, as modified by this Regulation.

"Now when we are going to abolish the office of the Commissioner of the Sundarbans it would be undesirable to let the present words stand. This whole section has reference to the Commissioner of the Sundarbans. It gives him power to determine the boundaries of the Sundarbans and confers right on parties aggrieved by such determination to contest it in courts of law within certain time limitations. I see no good in keeping this clause alive when we are abolishing the office of the Commissioner in the Sundarbans.

"When that office has been extinguished and the Collector has been given all his powers, then any survey that may now have to be carried on in the Sundarbans will be carried on under the directions of the Local Government and by proper officers appointed in this behalf. That is the general law, and to leave any special law with regard to the survey of the Sundarbans in an old Regulation would be inadvisable. The Sundarbans forms the lowest portion of the Gangetic delta. On one side it is bounded by the river Megna, on the other side by the Ganges, and it is intersected by numerous rivers and streams and on the south there is the sea; so that the boundaries of the Sundarbans cannot be considered as having been fixed and determined for all times. It may be necessary to take up a re-survey of the Sundarbans. If I am not mistaken, I read in some recent accounts of the Sundarbans that great changes had taken place even in its area; thousands of acres of land have been washed away from the Saugor Island, and there are other portions where similar changes in the boundaries had taken place. If there should be occasion for a fresh survey of the Sundarbans, then the survey will have to be conducted under the general law and under the direction of the Local Government.

"It is a general principle of law that any special law overrides the general law, and there is every likelihood that when a re-survey of the Sundarbans takes place questions may be raised by people whose zamindaries or lands may adjoin the boundaries of the Sundarbans as to the validity of any survey carried on under the Survey Act, so long as Regulation III of 1828 which specifically provides for it stands unrepealed. In the Report of the Select Committee it is said that this section has been spent. The Committee evidently referred to the preamble. It is mentioned there that immediate settlement of the limits of the Sundarbans is necessary. That preamble was drawn up when Regulation III of 1828 was passed. So it is surmised that when the limits of the Sundarbans have been once determined no survey for determining the boundaries will hereafter be necessary. But as I have said before, the map boundaries may be fixed, but the geographical boundaries may shift. At any future survey the question will be, under what law the re-survey is to take place. It may be said that the preamble to Regulation III, 1828, is clear that the clause in question only referred to the original determination of the limits of the Sundarbans. But a preamble is as often as not referred to and relied upon for the interpretation of statutes.

"In case of a subsequent survey under the general law, if any question is raised with regard to the validity of the survey, the persons who will question it will refer to this section, and confusion and conflict is likely to arise. If clause second, section 13, Regulation III of 1828, is regarded as spent, I do

not see any use in retaining it in the Statute Book. Since the previous sanction of the Government of India has been obtained in connection with this Bill there is nothing in our way to prevent us from repealing clause 2, section 13 of the Bengal Land-revenue Assessment (Resumed Lands) Regulation, III of 1828, and I, therefore, beg to move for its repeal.

The Hon'ble MR. HARE said:—"I may say I am prepared to accept the proposed amendment which was considered in the Select Committee. It was not necessary to amend clause 2 of section 13, Regulation III of 1828, because its function was already completed, but we see no objection to repealing the section. I therefore say I am prepared to accept the proposal. The effect of this would be that clause 2 of the Bill would be amended and the repeal of the second section of section 13 of the Bengal Land-revenue Assessment (Resumed Lands) Regulation, III of 1828, would be mentioned in clause 2. Clause 2 will then read as follows:—

The Sundarbans Regulation, 1816, and clause *Second* of section 13 of the Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1828, and so much of the Repealing and Amending Act, 1903, as relates to the said Sundarbans Regulation, 1816, are hereby repealed.

The Motion was put and agreed to.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR, by leave of the Council, withdrew the following motion of which he had given notice, *namely*:—

That the following clause be inserted after clause 4 of the Bill:—

"5. In clause *Second* of section 13 of the Bengal Land-revenue Assessment (Resumed Lands) Regulation, 1828,—

- (a) for the words 'Commissioner of the Sundarbans' and 'Commissioner' the words 'Collector or Deputy Collector especially empowered by the Local Government in this behalf' be substituted; and
- (b) for the word 'Commissioner's,' in both places in which it occurs, the words 'Collector's or such Deputy Collector's' be substituted."

The Hon'ble MR. HARE moved that the Bill, as settled in Council, be passed.

The Motion was put and agreed to.

THE BENGAL REPEALING BILL, 1905.

The Hon'ble MR. EARLE moved that the Bill to repeal the Bengal Contagious Diseases (Animals) Act, 1880, be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. EARLE also moved that the Bill be passed. He observed:—

"I said on the previous occasion all I had to say in regard to this Repealing Bill, and I have nothing further to add to-day."

The Motion was put and agreed to.

The Council was then adjourned to Saturday, the 25th March, 1905.

CALCUTTA; }
The 7th March, 1905. }

L. C. ADAMI,
Offg. Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, MARCH 22, 1905.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 18th March, 1905, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding.*

The Hon'ble MR. L. HARE, C.I.E.

The Hon'ble MR. K. G. GUPTA.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. L. P. SHIRRES.

The Hon'ble MR. H. W. C. CARNDUFF, C.I.E.

The Hon'ble MR. R. T. GREER, C.S.I.

The Hon'ble BABU KALI PADA GHOSH, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble BABU SALIGRAM SINGH.

The Hon'ble MR. C. F. LARMOUR.

The Hon'ble MR. A. A. APCAR.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

The Hon'ble MR. J. CHAUDHURI, M.A.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

NEW MEMBER.

The Hon'ble MR. CURNDUFF took his seat in Council.

QUESTIONS AND ANSWERS.

THE GORAGHAT ROAD WITHIN THE BHADRESWAR MUNICIPALITY.

The Hon'ble BABU BHUPENDRA NATH BASU said:—

Is the Government aware that the Sub-Divisional Officer, Serampore, has made over a considerable portion of another important public thoroughfare, viz., "Gorerghat Road" within the Bhadreswar Municipality to Messrs. Thomas Duff & Co., and the said road has already been taken possession of by the Company? Has the transfer been made under the Land Acquisition Act? If not, does the Government consider the transfer legal?

The Hon'ble MR. SHIRRES replied:—

"It has been ascertained that the Sub-Divisional Officer, Serampore, has not made over any portion of the Gorerghat Road within the Bhadreswar Municipality to Messrs. Thomas Duff & Co."

THE CALCUTTA UNIVERSITY TEACHERS' ASSOCIATION.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR asked:—

(a) Has the attention of the Government been called to an article in the *Indian Mirror* of the 20th December last, in which it is stated that there has been established in Calcutta a "Teachers' Association" which seeks to control the action of the Senate and the Syndicate of the University?

(b) Will the Government be pleased to inquire if there are any teachers or professors belonging to any Government School or College among the members of this Association? And will His Honour the Lieutenant-Governor, as Rector of the University, be further pleased to ascertain how many members of this Association are among the Senate and in the Provisional Syndicate of the University? And how many of them are in Government service?

(c) Does the Government approve of Government officers forming part of an organization which, without any sort of official responsibility, thus seeks to prepare work for the Senate and the Syndicate and fetter the independent delegations of these important bodies?

The Hon'ble MR. CARNDUFF replied:—

"(a) The Lieutenant-Governor is aware of the existence of an Association called the 'Calcutta University Teachers' Association,' the object of which is 'to provide University teachers with opportunities for the discussion of educational questions and the formation and public expression of definite professional opinion.' All persons who follow, as their main occupation, the profession of teaching in colleges or other institutions affiliated to the Calcutta University, or who, having been formerly so engaged, are mainly employed in the direction or inspection of teaching, are eligible for election as members of the Association.

"(b) There are several teachers or professors in Government institutions who are members of the Association. Some of these are also among the members of the Senate and of the Provisional Syndicate of the University.

"(c) The Lieutenant-Governor entirely approves of the existence of the Association and of its objects. He considers that it is very desirable to promote greater intercourse among teachers and to enable them to meet together periodically to discuss questions affecting education. Enquiry, which His Honour has thought it necessary to make, shows that the Association does not seek to control the action of the Senate and Syndicate of the University, nor to fetter these bodies in the discharge of their important duties. It is true that, on one occasion, a suggestion was made that all the members, who are also members of the Senate, should bind themselves to act together in regard to a

University matter; but this suggestion was not accepted or acted on. His Honour would certainly disapprove of Government officers belonging to any organisation which fettered them in the discharge of their duties either as Government servants or as Fellows of the University or members of the Syndicate. But he has been assured, and is satisfied, that it is not one of the objects of this Association to do anything of the kind; and His Honour believes that Government officers may belong to it not only without injury, but with advantage to the work that they have to do."

INCOME-TAX ASSESSMENT IN BENGAL DURING THE YEARS 1901-1904.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said:—

On examining the figures given in the statement of Income-tax Assessment for the years 1901-1902, 1902-1903 and 1903-1904, as furnished by Government at my request on the 4th March, 1905, it appears that although the number of assesseees in each of the six classes noted therein was pretty steady in both the years 1901-1902 and 1902-1903, there was a remarkable increase in the number of assesseees with income of Rs. 1,000—1,250 in every district in 1903-1904,—the year in which Act XI of 1903 came into force granting exemption to all incomes below Rs. 1,000,—while in not a few of the districts such increase was nearly double of the previous years; and that on the whole while the number of assesseees in this class (*e.g.*, Rs. 1,000—1,250) stood at nearly 12,000 in both the years 1901-1902 and 1902-1903, it suddenly rose to 19,000 in 1903-1904; but that such striking fluctuations were not observable in the other classes (*e.g.*, Rs. 1,250—1,500, Rs. 1,500—1,750 and Rs. 1,750—2,000) which still continued pretty steady. And as regards the demand of tax also it would further appear that while the decrease in the revenue on account of exemption of all incomes below Rs. 1,000 ought alone to have come to nearly 9 *lakhs* of rupees, the total revenue for the year 1903-1904 did not show an equivalent percentage of decrease upon the previous year.

(a) In view of the above facts and figures, will the Government be pleased to enquire whether or not a large number of persons who were entitled to exemption from taxation under Act XI of 1903 have had their incomes arbitrarily raised so as to be included in the lowest grade of assessment in 1903-1904, thereby frustrating to a large extent the benevolent intentions of Government in raising the minimum of taxable limit to Rs. 1,000?

(b) Will the Government be further pleased to warn all income-tax officers against any attempt at tampering with a concession which the Government has generously granted to a poor people particularly in commemoration of His Majesty's accession to the Throne?

The Hon'ble MR. SHIRRES replied:—

"The Board of Revenue has asked the local officers to explain the increase in the number of assesseees in the lowest grade. Until the replies have been received and considered no further instructions on the subject can be issued."

THE EDUCATION DEPARTMENT.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said:—

(a) In view of the congestion which has taken place in the Educational Services as organised in 1896 and the want of attraction which they still present to distinguished men in adopting the Educational Department, will the Government be pleased to consider whether it is not time to re-consider and re-adjust the system of 1896 and place the Educational Services on a more satisfactory and attractive basis?

(b) Will the Government be further pleased to lay on the table a statement containing the following particulars regarding the officers in the Subordinate

Educational Service *outside the grade* established under the re-organization of the Bengal Educational Department in 1896?—

- (i) the names of such officers;
- (ii) their educational qualifications;
- (iii) their present salary;
- (iv) the date of their first appointment;
- (v) the date on which they were admitted to their present salary.

The Hon'ble MR. CARNDUFF replied:—

“(a) The importance of re-organising the Education Department has been fully realised by the Government of Bengal; and a scheme is now before the Government of India. It includes the Provincial and Subordinate Educational Services and the ungraded officers of the Department.

“(b) In these circumstances it seems unnecessary to give the detailed information asked for.”

MORTALITY IN THE JESSORE DISTRICT.

The Hon'ble MR. CHAUDHURI said:—

According to the last Census Report the population of the district of Jessore shows a decrease of 75,672 in the course of ten years, which, again, is over 25,000 more than the decline of population during the previous ten years, and further the mortality in the district during 1904 exceeded the births by over 14,000. In view of such rapidly increasing mortality in the district due to such preventable diseases as malarial fever and cholera, has the Government enquired into the causes thereof, and will the Government be pleased to state what steps have been taken or may be in contemplation to remove such causes?

The Hon'ble MR. SHIRRES replied:—

“The figures quoted by the Hon'ble Member from the Census Report are correct. There has been no recent increase in the death-rate from cholera in Jessore. The mortality in the year 1904 was unusually high, but the average mortality in the five years ending with 1904 was exactly the same as that of the preceding quinquennium. During the same quinquennial periods the death-rate attributed to fever has increased from 30·66 to 32·08. This subject was discussed in the Resolution on the last Annual Report of the Sanitary Commissioner for Bengal; and it was shown that the increase in the death-rate in certain districts during the five years ending with 1902 as compared with the preceding five years had been coincident with an increase in the rainfall in those districts, while in the remaining districts of the Province and in the Province as a whole there had been a decrease. In Jessore the rainfall increased from an average of 47·60 inches in the five years ending with 1897 to 66·16 inches in the five years ending with 1902. The history of Jessore fever, or as is usually called Burdwan fever, is a long one, and much has been written regarding it. There is every reason to suppose that the mortality due to it when it first appeared was much greater than it has been in recent years, although no reliable statistics are available for the earlier years. Accounts of it will be found in Hunter's Gazetteer in his statistical accounts of the Burdwan and Jessore districts and in the last Census Report by Mr. Gait. A Commission was appointed to enquire into it in the year 1864; and another Commission enquired again in 1881. In 1900 Captain Rogers made another enquiry with special reference to the riparian Municipalities; and again in 1904, in view of the recent advances in bacteriological science, he was specially deputed to make another enquiry in Dinajpur. The last enquiry yielded important results. It has long been known that certain types of fever classed as malaria do not yield to quinine, but we are only now beginning to be able to differentiate them. As the diagnosis of the *chaukidar* has to be relied on it

cannot be stated what proportion of the deaths are due to true malaria. Government has recently increased the quantity of quinine in pice packets and has taken steps to add to the quinine factory and to increase the number of centres of distribution. It may also be added that a scheme is under consideration for draining some of the bhils in the district of Jessore into the Bhoirab."

MORTALITY IN THE NATOR SUB-DIVISION.

The Hon'ble Mr. CHAUDHURI said:—

Is not the extraordinary death-rate in the Nator Sub-division (55·77 per mille) during the year 1904 and the high rate of mortality prevailing during previous years (varying between 40 and 50 per mille) and the general decline of population in the sub-division chiefly due to scarcity of good drinking water and the obstruction of the natural drainage of the country? Will the Government be pleased to enquire whether the removal of the sand-bars at the source of the river Bural, ensuring an abundant flow of water from the Padma river through such streams as the Mushakhan, Narad, Gadai and Nundagooja and the automatic flushing out of the beels by such streams during the rainy season, effectively remove the causes of such heavy mortality, the North Bengal State Railway line being also provided, where necessary, with a sufficient number of culverts to prevent the accumulation of stagnant water?

If the above be found, on inquiry, a sufficient remedy, would the Government be pleased to take such steps as it may deem necessary for the purpose?

The Hon'ble Mr. SHIRRES replied:—

"A report has been called for from the Commissioner of the Rajshahi Division on the subject of this question. What action will be taken on it cannot of course be stated until it has been received."

FEVER IN THE NADIA DISTRICT.

The Hon'ble Mr. CHAUDHURI said:—

Has the Government enquired into the causes of high rate of mortality prevailing in the Nadia district during the last three years, and have any remedial measures been adopted to cope with the epidemics of cholera and malarial fever which may be said to be responsible for the high percentage of deaths in the district?

The Hon'ble Mr. SHIRRES replied:—

"The death-rate from fever in the district of Nadia in the year 1904 was 29·69, the average of the preceding five years having been 32·04. The same general remarks apply to fever in Nadia as to fever in Jessore. All that can be said is that the recent advances which have been made in our knowledge of the etiology of the diseases grouped under the head 'Malaria' raise the hope that we may soon learn how to deal more effectively with these diseases. As regards cholera there has, as stated by the Hon'ble Member, been an epidemic of that disease during the last three years. Unfortunately such epidemics are not of rare occurrence in Nadia, and the epidemics of 1883 to 1886, of 1891 and 1892 and of 1894 to 1896 were all more virulent than the present one. Much may be done by the people themselves to conserve and protect from contamination the sources of water-supply and to purify the water by boiling or filtering; but the difficulties which have arisen in connection with several Municipalities in Nadia shew that the standard of duty in regard to sanitation in that district is very low."

THE CALCUTTA PORT (AMENDMENT) BILL, 1905.

THE Hon'ble MR. INGLIS moved for leave to introduce a Bill to amend the Calcutta Port Act, 1890. He said:—

“Sir, the Bill has been circulated to Members of the Council and the Statement of Objects and Reasons explain generally the object and the scope of the Bill. I propose therefore only to make a few remarks in further explanation of the clauses of the Bill.

“The second clause of the Bill proposes to add to the number of the Commissioners by two. The Commission of the Port of Calcutta is constituted under sections 5 and 6 of the Act. There is a Chairman and a Vice-Chairman, there are eight elected Commissioners and five nominated Commissioners. Of the elected members it is provided by the Act that five shall be elected by the Bengal Chamber of Commerce, one by the Calcutta Trades Association, one by the Corporation of Calcutta, and one by such body or firms as the Local Government shall from time to time select as representing the interests of the native mercantile community. The election of this Commissioner is entrusted to the Bengal National Chamber of Commerce. The five nominated Commissioners are distributed as follows: The Deputy Director of the Royal Indian Marine; the Collector of Customs; a representative of the Inland Steam Navigation Companies and two representatives of the Railways. As Members of Council are well aware, there are three large Railway systems which centre in Calcutta: the East Indian Railway, the Bengal-Nagpur Railway and the Eastern Bengal State Railway. These Railways are all largely interested in the Port. Their interests are, however, sometimes divergent and may occasionally be antagonistic. Under existing conditions at any one time two of the three Railway systems are represented on the Commission by a system of rotation. It is held to be desirable that the three Railway systems should be continuously represented on the Commission, and it is proposed to give effect to this by allocating one of the additional Commissioners to the Railway interest.

“It is also held to be desirable that the town of Howrah should be represented on the Commission, and it is intended that the second Additional Commissioner should be either the Magistrate of Howrah or some other person selected to represent that town.

“Clauses 3, 4 and 5 of the Bill are required to enable the Port Commissioners to establish and work a ferry service on the Hooghly. At present the Commissioners are authorised to work a ferry between Armenian Ghat and Howrah. This authority they obtained under the provisions of the Howrah Bridge Act, and it is limited to a service to be maintained in connection with the bridge traffic only.

“It is now almost exactly two years since the Port Commissioners brought this matter to the notice of Government and asked for legislation. When they came up they asked for powers not only to enable them to work a ferry service on their own account but they also asked for powers to regulate the fares of all boats carrying passengers within the port.

“They also asked for powers to enable them to make, alter or repeal bye-laws dealing with ferries and other boats employed as public conveyances within the Port. The powers last mentioned involved an interference with vested rights of the District Board of the 24-Parganas in certain public ferries which they held under the Bengal Ferries Act. This involved a somewhat prolonged correspondence. It was eventually arranged that the Commissioners of the Port should purchase the rights held by the District Board in the ferries, and this having been done it is not necessary to make any provision for the matter in this Bill. It will, however, probably be necessary at a later date to make a small amendment in the Bengal Ferries Act.

“When the draft Bill was submitted to the Government of India last June, the Government of India suggested certain minor amendments and they took exception to the provision by which powers were to be given to the Commissioners

of the Port to regulate the fares of all boats carrying passengers. They pointed out that the Commissioners might themselves be competing for passenger traffic with the owners of other boats, and it was not advisable that the Commissioners should have power to fix the rates at which their competitors should carry passengers. This was accepted by the Bengal Government, and a revised draft of the Bill was submitted to the Government of India last December, and the permission of the Secretary of State to the adoption of the Bill was received at the end of February.

"I think I may say without fear of contradiction that the establishment of a ferry service in the Hooghly will meet a public want. I think it is also generally agreed that under existing conditions the working of such a service by the Port Commissioners will be for the public convenience; at all events I think there are ample reasons for asking that the Port Commissioners may be legally enabled to establish and work a ferry service. At present under the provision of section 55 of the Act the Port Commissioners have authority to purchase or to lease moveable property generally. This no doubt would cover the purchase or hire of steamers. The Port Commissioners are, however, not authorised to build steam vessels except for the service of towing vessels within the port. Sub-section (7) of section 35 empowers them to build steam vessels required for the purpose of towing vessels in the port. It is proposed by clause 3 of the Bill to give the Port Commissioners power to build vessels suitable for the carriage of passengers and goods.

"By clause 5 of the Bill it is sought to give the Commissioners power to frame charges for the carriage of passengers and goods. The effect of clause 4 of the Bill is to restrict the Port Commissioners from the carriage of goods without the sanction of the Local Government. I may say that the Port Commissioners do not desire to compete with other carriers for the conveyance of goods, but it may be necessary and desirable at times that they should have authority to carry goods. The Local Government has ample powers under section 107 of the Act to control all schedules of charges which may be framed by the Port Commissioners.

"Clause 6 of the Bill deals with a different matter. Under section 6, sub-section (1), clause (k) of the Indian Ports Act, the Local Government has power to make certain rules. The words of the Act are:

The Local Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for any of the following purposes, namely:—(Clause k) for licensing and regulating catamarans plying for hire and flats and cargo, passenger and other boats plying, whether for hire or not, and whether regularly or only occasionally, in or partly within and partly without any such port, and for determining the quantity of cargo or number of passengers to be carried by any such vessels.

"By section 8 of the Indian Ports Act, sub-section 1), the Conservator of any Port subject to this Act may, with respect to any vessel within the port, give directions for carrying into effect any rule for the time being in force therein under section 6.

"By section 7 of the same Act, the Local Government shall appoint some officer or body of persons to be Conservator of every Port subject to this Act. Under the powers given in this section the Commissioners of the Port of Calcutta have been appointed Conservators of the Port. The case, therefore, stands thus: The Local Government has power to make rules for regulating and licensing all boats other than catamarans whether plying for hire or not. The Commissioners of the Port in their capacity of Conservator have powers to carry the rules into effect. There is, however, no authority in section 6 of the Indian Ports Act or in any other section of that Act to authorise the charging of any fees for such licensing or registration. For this we have to refer to section 106 of the Calcutta Port Act. Under this section the Commissioners are authorised to frame a scale of charges and fees to be paid by the owners of vessels plying for hire. They have, however, no authority to frame any scale of fees or charges for boats which do not ply for hire.

Clause 6 of the Bill has been introduced with the intention of removing this distinction.

"It will, I think, be generally admitted that as a part of the administration of the port all boats which ply within it should be subject to control and should be required to be licensed and to be registered, and I see no reason why a distinction should be drawn in the matter of fees between those boats which ply for hire and those boats which ply only for their owners. As I have already said, under section 107 the Local Government has ample power to control the scale of charges which may be suggested by the Port Commissioners. Sub-section (2) of section 107 reads thus: 'It shall also be competent to the Local Government at any time to cancel any of the scales framed under sections 103 to 106 (both inclusive), or to call upon the Commissioners to modify any portion of such scales and thereupon the Commissioners in meeting shall modify such scales accordingly.' With these remarks, I move for leave to introduce the Bill."

The Motion was put and agreed to.

The Hon'ble MR. INGLIS introduced the Bill, and moved that it be read in Council.

The Hon'ble BABU BHUPENDRA NATH BASU said:—"With reference to the observations which have fallen from the Hon'ble Mr. Inglis in introducing the Bill I have only one remark to make. It seems that provisions are going to be made which will enable the Port Commissioners to compete against private enterprise. If the Port Commissioners are allowed to establish ferries and to ply boats for hire both as regards passenger traffic and goods they will be formidable rivals against private owners of boats and private carriers. I hope, Sir, public opinion will be invited as regards the desirability of conferring these powers upon the Port Commissioners. There is no doubt, as the Hon'ble Mr. Inglis said without fear of contradiction, that the establishment of ferries will be a great boon conferred on the public, but I may remind Hon'ble Members of this Council that we, the people of Calcutta, have a great grievance with regard to the hackney-carriage service, and if the Hon'ble Mr. Greer could undertake the burden of providing suitable hackney-carriages for the people of Calcutta we would all be very thankful to him; but the question will arise as to how far public bodies with practically unlimited resources, should be allowed to enter into competition with private individuals, and it is in regard to that part of the Bill that I would ask the Members of the Select Committee which is going to be framed to devote their careful attention and also to call the attention of the public to those provisions."

The Motion was put and agreed to and the Bill was read accordingly.

The Hon'ble MR. INGLIS said:—"I need not add to the remarks which I have made in asking for leave to introduce the Bill. It can, I think, hardly be said to be a contentious measure. Possibly I am taking rather too hopeful a view of this; still I think there is not likely to be much opposition. At the same time it provides for three separate matters, in two of which the public generally and certain firms and associations are distinctly interested. It is therefore desirable that the clauses of the Bill should be well scrutinised in Committee. I now move that the Bill be referred to a Select Committee, consisting of the Hon'ble Mr. Hare, the Hon'ble Mr. B. L. Gupta, the Hon'ble Mr. Apcar, the Hon'ble Babu Nalin Behari Sircar and myself, with instructions to report to the Council on the 25th instant."

The Motion was put and agreed to.

The Council was then adjourned to Saturday, the 25th March, 1905.

CALCUTTA;
The 20th March, 1905.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.



The Calcutta Gazette.

WEDNESDAY, MARCH 29, 1905.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

*Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal,
assembled under the provisions of the Indian Councils Acts, 1861 and 1892.*

The Council met in the Council Chamber on Saturday, the 25th March 1905, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.
The Hon'ble MR. L. HARE, C.I.E.
The Hon'ble MR. K. G. GUPTA.
The Hon'ble MR. B. L. GUPTA.
The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.
The Hon'ble MR. E. W. COLLIN.
The Hon'ble MR. R. W. CARLYLE, C.I.E.
The Hon'ble MR. W. A. INGLIS.
The Hon'ble MR. L. P. SHIRRES.
The Hon'ble MR. H. W. C. CARNDUFF, C.I.E.
The Hon'ble MR. R. T. GREER, C.S.I.
The Hon'ble BABU KALI PADA GHOSH, M.A., B.L.
The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.
The Hon'ble BABU SALIGRAM SINGH.
The Hon'ble MR. C. F. LARMOUR.
The Hon'ble MR. A. A. APCAR.
The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.
The Hon'ble MR. J. CHAUDHURI, M.A.
The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

QUESTIONS AND ANSWERS.

SELECTION OF TEXT-BOOKS.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

(a) Has the attention of the Government been drawn to the article entitled *Pathya Nirddharan-Rahasya* or "The Secret of the Selection of Text-Books" in the *Basumati* newspaper of the 3rd September, 1904, and will the Government be pleased to say what steps have been taken to remove the grievances mentioned in the said article?

(b) Will the Government be pleased to state if it is a fact that the names of the experts appointed by the Director of Public Instruction for the preliminary examination of books intended for primary schools are kept secret, and, if so, will the Government be pleased to state the reasons why the names are kept secret?

(c) Is the Government aware that, in spite of the existence of books written by Bengali authors and published in India, and approved by the Text-Book Committee, books published by English publishers, such as Messrs. Macmillan & Co., Messrs. Blackie & Sons, and adversely criticized by the press and the public, are given undue preference by the Education Department?

(d) Is the Government aware that, contrary to its declared policy of destroying monopoly in text-books and giving encouragement to deserving authors, text-books written by the same authors, notwithstanding the existence of other text-books approved by the Text-Book Committee, are selected year after year?

(e) Is the Government aware that, for Standard VI, the Text-Book Committee recommended 6 books, of which 5 were written by Bengali authors and published in India and one was published by Messrs. Blackie & Sons, and that the Education Department has appointed the book published by Messrs. Blackie & Sons as the text-book in all the nine Divisions in Bengal, and will the Government be pleased to state if it approves of such a proceeding?

(f) Will the Government be pleased to state upon whose opinions the Director of Public Instruction prescribes the text-books from amongst the list prepared and recommended by the Text-Book Committee?

(g) Will the Government be pleased to appoint Boards of Studies in the Text-Book Committee for the selection of text-books for primary and middle schools every year, a measure which will remove the grievances of the writers and meet the complaints of the public?

The Hon'ble MR. CARNDUFF replied:—

"Sir, the following are the answers to these questions:—

(a). The article referred to had attracted the attention of the Director of Public Instruction, who found it to be based on an imperfect knowledge of the facts of the case and considered that no action was called for. Thus it is complained that in the month of January, 1904, the names of some good books were included in the list of text-books, and that it is a matter of surprise that they had no place in the list published in August, 1904. But the procedure is that lists of books approved of as text-books are published in the Calcutta Gazette twice in each year, viz., in January and July; those that are approved of after the issue of the July list being shewn in the Calcutta Gazette in January, and those that are approved of after the issue of the January list being shewn in the Gazette in July; and it is not the practice to mention any twice over in the Gazette in the course of the same year.

"(b). It is a fact that the names of the experts to whom books are forwarded by the office of the Director of Public Instruction for preliminary examination are not published. There is no regular list of such experts kept in the office of the Director of Public Instruction, nor is their number fixed. When books

are submitted by authors for approval, they are sent for preliminary examination to selected competent Professors, Head Masters, Head Pandits or Inspecting Officers (not below the rank of a Deputy Inspector) according to the nature of the subject treated of, the selection of experts for the purpose of such examination being made from the whole body of such Educational Officers and not from a limited number of them. It would serve no useful purpose to make their names known to the public: on the contrary, such a course might do harm rather than good, as authors might be tempted to bring personal influence to bear. It may also be stated that in no case is the condemnation of a book by a single expert accepted by the Director; that when a book is unfavourably reviewed, it is sent to one or more other experts for their opinion, no mention being made of the fact of a previous examination, and that it is only on the result of two or three unfavourable expert opinions that a book is finally condemned.

“(c) and (f). A comparatively limited number of books under the new scheme of vernacular education has so far been published by Indian authors; and, therefore, the complaint that the productions of English authors receive an unduly large share of patronage is not justified. Since the introduction of that scheme only one Middle Vernacular Geography, one Middle Vernacular Science Reader, one Upper Primary History, one Upper Primary Geography, one Upper Primary Science Reader and one Lower Primary Science Reader in Urdu and Uriya have been recommended to Government by the Text-Book Committee, and all of these were published by Messrs. Macmillan & Co.

“The Director of Public Instruction undertakes the duty of selecting text-books for the scholarship examinations only in order to secure uniformity and fairness in the competition among the candidates for such scholarships, schools sending up candidates for scholarships being alone required to read the books selected. In making his selection the Director sends a copy of each of the books in the approved list for a particular standard to educational officers who are known to be specialists in the particular subjects concerned, and, after carefully considering the opinions passed by them, personally chooses such as seem to him to be most favourably reported upon.

“(d). In some cases the same text-books have been in use for more than one year for the scholarships examinations, simply because they have been reported by experts to be the best on the subjects taken up. Should any book better than, or even of equal merit with, any one already in use be published, it would certainly be allowed a place in due course.

“(e). The six books recommended by the Text-Book Committee for Standard VI were examined critically by one of the leading experts in English literature in Bengal, and the one by Messrs. Blackie & Sons was considered by him to be distinctly superior to the others. For this reason alone, it was selected as a text-book for all the divisions.

“(g). The Text-Book Committee is too small to be split up into the numerous sections required for Boards of Studies for the selection of text-books for Primary and Middle Schools every year, and the suggestion made in this connection is considered impracticable.”

EXTENSION OF SERVICE IN THE BENGAL PUBLIC WORKS SECRETARIAT.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

Has the attention of the Government of Bengal been drawn to an article that appeared in the *Bengalee* newspaper of the 18th March, 1905, headed “Indiscriminate Extensions of Service in the Bengal Public Works Secretariat”? Will the Government be pleased to inquire whether the facts therein stated are correct? If so, will the Government, having in view the hardship unnecessarily caused to the large number of junior assistants employed in that office and also to maintain the standard of efficiency necessary for the proper

performance of work, be pleased to issue such orders as may be considered desirable in connection with the grant of extensions of service to men employed in that office who have passed the age of 55?

The Hon'ble MR. INGLIS replied:—

“Sir, the article referred to has been laid before Government. The question of superannuation is regulated by the provisions of Chapter XVIII, Section IV of the Civil Service Regulations; and Government finds no reasons for supplementing these by special orders in regard to the Bengal Public Works Secretariat.”

PROSECUTION OF BIBHUTI SHEKHAR MUKERJEE BY MR. CAREY.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

(a) Has the attention of the Government been drawn to a paragraph that appeared in the *Amrita Bazar Patrika* dated 16th February, 1905, regarding the prosecution of Bibhuti Shekhar Mukerjee, an Arms clerk of Berhampore, by Mr. Carey, the late District Magistrate of the district?

(b) Is it not a fact that case after case until they came up to ten was instituted against Bibhuti Shekhar Mukerjee?

(c) Will the Government be pleased to state how many of these cases ended in conviction, and what is the amount of cost incurred by Government to conduct the unsuccessful cases?

The Hon'ble MR. CARNDUFF replied:—

“Sir, the answer to these questions is that the matter referred to by the Hon'ble Member attracted the attention of the Government some time ago, and the Commissioner was requested to report the results of all the prosecutions instituted, the number of which is believed to be ten, as stated, on their completion. The Commissioner's final report is still awaited.”

THE CASE OF BABU ANNODA PROSAD MUKERJEE AND BABU BUNKIM CHANDRA MUKERJEE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

(a) Has the attention of the Government been drawn to the particulars of a case published in the *Amrita Bazar Patrika* of 22nd February, 1905, in which Babu Annoda Prosad Mukerjee and his son, Bunkim Chandra Mukerjee, were arrested and hauled up by the Golabari Police, Salkia, and also to the judgment of the Joint-Magistrate of Howrah, who made the following remarks on the action of the police:—

I should not feel justified in concluding my remarks on the case without saying something regarding the action of the police in this affair. Their conduct in the case has been to my mind most reprehensible and is deserving of serious notice. It is clear from the evidence recorded in the case that, previous to the arrest of the accused, practically no inquiry, or at the best a most perfunctory one, was made, and two respectable men were arrested in broad daylight and in presence of a number of people under circumstances of a most ignominious character, merely upon the *ex-parte* statements of their enemies. There is every reason to believe that the version put forward by the defence, viz., that the arrest was engineered by the enemies of the accused in collusion with the police, is the true one.

(b) Will the Government please state what action has been taken on the aforesaid remarks of the Joint-Magistrate?

The Hon'ble MR. CARNDUFF replied:—

“Sir, the answer to this question is that the case referred to is receiving the attention of Government, and the District Magistrate of Howrah has been directed to submit a full report through the Commissioner of Burdwan.”

THE CASE OF MR. LYALL.

The Hon'ble BABU KALI PADA GHOSH asked :—

Has the attention of Government been drawn to the letter of the Daltonganj correspondent of the *Bengalee* published in its issue of the 10th instant, in which it is alleged that Mr. Lyall, the Deputy Commissioner of Palamau, has committed certain high-handed acts which have given rise to grave apprehension in the minds of the people of the district?

If so, will the Government be pleased to state whether any inquiry has been made with regard to the matter?

If not, will the Government be pleased to cause an inquiry to be made into each of the specific acts mentioned in the said letter, viz.—

- (a) Deputy Commissioner's treatment of Bhaya Saheb of Nagar Ootari;
- (b) Ditto ditto ditto Abdul Majid of Karoo Batooa;
- (c) Prosecution of Harnand Ojha;
- (d) Ditto Saroda Babu, a local Mukhtar;
- (e) Levying *rasad* through the Police for the *shikar* parties;

and inform the Council the result of the inquiry?

If the above allegations be found to be substantially true, will the Government be pleased to take steps which may be deemed expedient for the purpose of allaying the apprehensions of the people concerned?

The Hon'ble MR. CARNDUFF replied :—

"Sir—The first two cases referred to by the Hon'ble Member had already attracted the attention of the Lieutenant-Governor, who had caused inquiries to be made through the Commissioner of the Division. The first was of a trifling character, and all that could be urged against Mr. Lyall was that his procedure was not quite correct. The other case was found to relate to criminal proceedings which were before the Courts and did not call for the intervention of the Government.

"Of the other cases alluded to, the Hon'ble Member's interpellation is the first notice that has reached the Lieutenant-Governor. His Honour has not thought it necessary to take any action regarding 'the prosecutions of Harnand Ojha and Saroda Babu.' The Lieutenant-Governor has, however, inquired into the question of *rasad*, and is informed that in the case of one or two subordinate estates appertaining to a larger property which was confiscated by the Government, it has been the practice for the *jagirdars* and *lakhirajdars* concerned to furnish supplies free of cost to all Government officers. Mr. Lyall himself has never approved of the practice, and has been desired to discountenance it in future. Apart from those exceptional instances, Mr. Lyall is, the Lieutenant-Governor is satisfied, particularly careful, not only to pay for all supplies received by him, but also to see that the payments reach those for whom they are intended, that they are not misappropriated, and that the people are not oppressed by the police. From all accounts, indeed, the tribute to Mr. Lyall's kindly interest in the people, which is paid at the close of the letter quoted by the Hon'ble Member, is well deserved."

SUBDIVISIONAL OFFICERS OF GOBINDPUR AND RANIGANJ.

The Hon'ble BABU KALI PADA GHOSH asked :—

(a) Is the Government aware that the Sub-Divisional Officer of Gobindpur in the district of Manbhum and the Sub-Divisional Officer of Raniganj in the district of Burdwan try important criminal cases in camp far away from sub-divisional head-quarters?

(b) Does the Government approve of such practice which must necessarily entail great inconvenience and expenses on the parties and witnesses concerned?

(c) Will the Government be pleased to direct that touring officers, who have to try important criminal cases, will so arrange their programme of tour that the dates of important criminal cases may be fixed at the Sadar stations?

The Hon'ble MR. CARNDUFF replied:—

“Sir—No complaints have reached this Government regarding the trial of important criminal cases by the Sub-Divisional Officers of Gobindpur and Raniganj in camp far away from their respective head-quarters.

“In a sub-division the Sub-Divisional Officer himself is the only Magistrate competent to try important cases, while it is unquestionably in the interests of his charge as a whole that he should visit every part of it. His tour arrangements must be made more or less in advance, and in these circumstances it is obvious that it would be impossible for him to refrain from trying important cases elsewhere than at his head-quarters. The most that the Government can do in this connection it has already done by impressing it upon touring Magistrates both that they should endeavour to fix for the hearing of cases those dates on which they will themselves be nearest the villages of the persons concerned, and also that they must not drag parties and witnesses about from camp to camp unnecessarily. A certain amount of inconvenience is, no doubt, inseparable from the touring system; but it should be remembered that, while some persons may thereby have further to go than if the Magistrate were at head-quarters, others obtain easier access to him and have their cases tried nearer their homes.”

THE CALCUTTA IMPROVEMENT SCHEME.

The Hon'ble BABU BHUPENDRA NATH BASU, in the absence of the Hon'ble BABU NALIN BEHARI SIRCAR, asked:—

(a) Will the Government be pleased to mention the stage which its proposals regarding the structural improvement of Calcutta have reached?

(b) Have they been approved by the Government of India and the Secretary of State for India?

(c) Do these proposals deal with only broad principles as regards the work of improvement, or do they deal with a cut-and-dry detailed plan of specific works?

(d) Has the financial aspect of the entire scheme generally been dealt with in these proposals? If so, what is the estimated total cost, and what are the ways and means proposed to meet the expenditure?

(e) Do these proposals involve the passing of any legislative measure? If so, when is such a measure likely to be brought up before the Bengal Council, and when is it likely to be passed into law?

(f) Are there any reasonable prospects of any work under this scheme being practically taken up in the course of the next financial year 1905-06?

The Hon'ble MR. SHIRRES replied:—

“The proposals regarding the structural improvement of Calcutta are before the Government of India, and the Lieutenant-Governor is not in a position to make any statement regarding them.”

TRIAL OF SESSIONS CASES AND CIVIL SUITS IN THE JALPAIGURI DISTRICT.

The Hon'ble MR. CHAUDHURI said:—

When His Honour the Lieutenant-Governor visited Jalpaiguri the people of the district represented to His Honour—

(a) that under the arrangements at present in force in the district of Jalpaiguri regarding the trial of Sessions cases, the Sessions Judge or the Assistant Sessions Judge of Rangpur has to come

to Jalpaiguri once in a quarter to try such cases. Appeals and motions against orders of first class Magistrates have to be presented at Rangpur and heard there. This entails great hardship and inconvenience to persons committed to the Court of Sessions and those convicted by first class Magistrates, and they have often to remain in *hajat* for a considerable length of time before their cases are heard;

(b) that as regards civil suits in that district, those exceeding Rs. 2,000 in value and appeals from the orders of Munsifs are now heard by the Subordinate Judge of Dinajpur, who under present arrangements holds his Court in Jalpaiguri for 25 days in every quarter;

(c) that as regards civil suits from Rs. 1,000 to Rs. 2,000, although one of the Munsifs at Jalpaiguri is invested with powers to try such suits, yet his ordinary duties are so very heavy that considerable delay at present occurs before such suits can be heard.

His Honour kindly promised to enquire into above matters and consider the prayer of the people that an Additional District and Sessions Judge might be permanently stationed at Jalpaiguri and such other steps as may be deemed necessary taken for bringing criminal and civil cases to a speedy trial.

Will the Government be pleased to state if the matters referred to have been considered, and, if so, what relief the Government proposes to give?

The Hon'ble MR. CARNDUFF replied:—

“Sir—In the reply to the address referred to by the Hon'ble Member, the Lieutenant-Governor, while expressing his sympathy for any inconvenience that might be caused by existing arrangements, pointed out that, on the figures before him, the amount of civil and criminal work for disposal at Jalpaiguri seemed scarcely to justify the posting to that station of an Additional District and Sessions Judge. His Honour at the same time undertook to make a further enquiry into the matter, and in accordance with that promise, the views of the District and Sessions Judges of Rangpur and Dinajpur, both of whom are concerned, were obtained, and the High Court was then consulted. The Hon'ble Judges have since expressed the opinion that the work which would come before an Additional District and Sessions Judge at Jalpaiguri would be insufficient to occupy any considerable proportion of his time, and that it is possible for the business of the district to be dealt with adequately under the existing arrangements. It was added that the civil business at Jalpaiguri had for some time been receiving the special attention of the High Court, and that any recommendations that might seem desirable would be made to the Government as occasion might arise. There the matter rests, and the Lieutenant-Governor is content to leave it in the hands of the Hon'ble Judges.”

JOTEDARS IN THE WESTERN DUARS.

The Hon'ble MR. CHAUDHURI asked:—

On the same occasion the people of the Jalpaiguri district also represented to His Honour the Lieutenant-Governor that the *jotedars* of the Government *khas* mahals in the Western Duars were not allowed to open separate accounts for their respective shares under the provisions of the Revenue Sale Law (Act XI of 1859), though their *jotes* are liable to be and are sold under that Act in default of payment of any single *kist*, with the result that for the default of a co-sharer the other co-sharer's *jote* is also sold. His Honour intimated to the people at the time that he would consult the Board of Revenue and consider if this grievance may be removed. Will the Government be pleased to state if the Board of Revenue has been consulted and any decision arrived at in this respect?

The Hon'ble MR. CARLYLE replied :—

“The Board of Revenue has been consulted, but has not yet given a final reply. Any change would probably involve legislation.”

THE CALCUTTA PORT (AMENDMENT) BILL, 1905.

The Hon'ble MR. INGLIS moved that the time for the presentation of the Report of the Select Committee on the Bill to amend the Calcutta Port Act, 1890, be extended *sine die*. He said :—

“Sir, the Members of the Select Committee appointed to consider the Bill for the amendment of the Calcutta Port Act are of opinion that it is desirable to circulate the Bill and to allow those who are interested in the measure an opportunity of making any suggestions or criticisms. I have therefore to move that the time for the presentation of the Report of the Select Committee be extended *sine die*. I wish to say that with reference to the words *sine die* there is no intention of indefinitely post-poning the Report of the Committee, but only that it is not possible at the present moment to fix the exact date for the submission of the Report.”

The Motion was put and agreed to.

THE BENGAL SMOKE-NUISANCES BILL, 1904.

The Hon'ble MR. CARLYLE moved that the Report of the Select Committee on the Bengal Smoke-Nuisances Bill, 1904, be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. CARLYLE also moved that the clauses of the Bill be considered in the form recommended by the Select Committee. He said :—

“In proposing that the Bill be accepted as amended by the Select Committee, I would desire to say that I do not propose now to anticipate what is to be said on the amendments to be placed before the Council by the Hon'ble Members. To some of these amendments I do not propose to offer any opposition. The Select Committee has tried—

- (1) to make it clear that the administration of the Act is to be in the hands of the Commission;
- (2) to ensure that all Rules should be considered by experts before they come up to Government for final orders;
- (3) some of the penalties have been reduced, as in the opinion of the Select Committee they were unnecessarily severe;
- (4) an amendment has been introduced to deal with the case of persons putting up furnaces in prohibited areas and who fail to carry out the order of removal.

“I will deal very briefly with the amendments made. They have been explained in the Report of the Select Committee and I will touch on them very briefly. Section 3, clause (1), sub-clause (ii), has been altered by adding, after the words ‘the raising of steam on ocean-going steamers,’ the words ‘within such period prior to their leaving the port or to their moving from one part to another thereof, as may be prescribed by rule made under section 10, sub-section (2), clause (f).’ That has been put in to meet the case of ocean-going steamers having to emit smoke, not only when they are leaving port, but also when they are moving from the Jetty to the Dock.

“In sub-clause (iii) we have included the words ‘the burning of the dead,’ because we do not think that smoke caused by the burning of the dead ought to be included within the penalties provided by the Act.

“In section 4, clause (3), we have provided that the non-official members of the Commission shall be nominated by the local bodies in such manner as the Local Government may direct.

"In section 5, clause (2), we have tried to make it clear that an Assistant Inspector and Chief Inspector are subject to the control of the Commission, and the full working of the Act is subject to the Commission.

"In section 6, clause (1)(a), we have inserted the word 'tile' after the word 'brick,' so as to make the prohibition apply to kilns for burning tiles as well as bricks. After clause (d) of the same section we have made provision in cases of licenses granted by the Chairman of the Calcutta Corporation, so as to prevent any conflict of jurisdiction. We have also reduced the penalty in this section.

"In section 7 we have provided for the case of a person putting up a kiln or furnace in contravention of orders in a notified area. Under the Bill as it was first drafted, if a person once put up a kiln and was fined, nothing more could be done. This has now been remedied.

"In section 8 we have provided for the emission of smoke from furnaces at a lower altitude than is to be allowed by rules. We find that in some parts of the town furnaces are constructed which let out smoke on a level with neighbouring houses.

"In section 9 we have provided that powers of inspection are to be exercised by an Inspector after giving reasonable notice in writing. We have also provided that the written authority of the Commission is to be required before an Inspector can test appliances or direct that furnaces be worked in any particular way for the purpose of experiment.

"In section 10, clause (2), we have provided in sub-clauses (f) and (g) in order to meet the alterations made in sections 3 and 9. In section 10, clause (3), we have provided that three months' time is to be given for the consideration of Rules drafted under the Act, and in clause (4) of the same section we have provided that the Rules shall be considered by the Commission before being submitted to Government for final orders.

"In section 11 we have provided that complaints are to be made only by or with the written authority of the Chief Inspector. We have also reduced the period within which complaints are to be made to two months.

"The amendments submitted are not very important, and I think I may take it that there is no real opposition to the Bill as it has come out of the hands of the Select Committee."

Clause 3.

The Hon'ble BABU AMBICA CHARAN MAZUMDAR said:—"Your Honour, before I put the amendment which stands in my name, I wish to make a few observations. I heartily congratulate the Select Committee upon the eminently satisfactory Bill which they have after careful consideration and revision presented to the Council. Upon the introduction of the Bill by the Hon'ble Mr. Carlyle I raised an objection to the principle embodied in the constitution of the Commission, and urged the Council to recognize the principle of election in the same. I was glad to find that most of the important bodies and associations whose opinions were invited in the matter joined in this recommendation and I am still more glad to find that the Select Committee have so cordially agreed to this consensus of opinion and modified section 4 so as to make the non-official half of the Commission practically elected by the various bodies and associations whose interests are likely to be affected by the proposed legislation. Important changes have also been made as regards the provisions for the drafting of the Rules under the Act, and a sufficient safeguard has also been provided for improper interference by Inspecting Officers. The Select Committee may be also congratulated upon the reduction which they have granted in the severity of some of the penalty clauses. With these improvements it may be hoped that the proposed legislation will prove, not only conducive to the immediate improvements of this great city, but also to the prospective benefit of those areas to which its provisions may be hereafter extended. But, although the Bill is on the whole a very satisfactory one, I yet venture to think that it is not altogether unsusceptible of a few modifications here and there with a view to give effect to its provisions. And

the first of these modifications which I would submit to the consideration of this Council stands thus:—

That the following clause be added to clause 3 of the Bill, *viz.*:—

- (5) "Magistrate" means a Presidency Magistrate, a Magistrate of the first class, or a Bench of Magistrates exercising first class powers under the Code of Criminal Procedure.

"The subject with which the Bill deals is extremely technical, and, although we may not expect many of our Magistrates to be conversant with the technicalities of the subject, yet I think experience may well be relied upon to supply to some extent the deficiency of technical knowledge, and as the cases that will arise under the Act will directly interfere with trade, we ought to safeguard the interests of trade by making these cases triable exclusively by experienced Magistrates. I would therefore ask the Council to accept this amendment, so that all prosecutions under the Act may be triable only by Magistrates of the first class."

The Hon'ble MR. CARLYLE said:—"I have no objection to offer to the amendment as now altered by the Hon'ble Babu Ambika Charan Mazumdar. I think that these cases should be tried by experienced Magistrates."

The Motion was put and agreed to.

Clause 4.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR also moved that in sub-clause (4), clause 4, the words and expression "Subject to the provisions of sub-section (3)" be introduced before the words "All members" at the commencement of the said sub-clause. He said:—

"No doubt, Sir, nominations are not elections, as nominations have to be accepted, and when accepted they become appointments; but it seems to me that a difficulty may arise in case of vacancies which are provided for in this clause, and, unless we distinctly say that this filling up of vacancies is also subject to the provisions of sub-clause (3), some difficulty may arise. I doubt not that it is the intention of the Select Committee that the provision of sub-clause (4) is dependent on the provision of sub-clause (3) although it is so worded as not to preclude a different interpretation being given to it in case of vacancies. I beg, therefore, that the amendment proposed by me be accepted, so that in the event of a vacancy occurring among non-official members the constituency which sent up the outgoing member might have a fresh opportunity of nominating his successor also."

The Hon'ble MR. CARLYLE said:—"I have no objection to the amendment proposed by the Hon'ble Member. The Hon'ble Member's amendment makes the intention of the Select Committee more clear and I therefore accept it."

The Motion was put and agreed to.

Clause 5.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR also moved that in sub-clause (2) clause 5, the words "all Inspectors" be substituted for the words "the Chief Inspector" appearing after the word "and" in the second line. He said:—

"We have already defined an 'Inspector' to mean 'a Chief Inspector of Smoke-nuisances or an Assistant Inspector of Smoke-nuisances appointed under this Act.' As the clause now stands, it means that every Assistant Inspector appointed under section 5, clause (2) of the Bill, shall be subordinate to the Chief Inspector and the Chief Inspector in his turn shall be subordinate to the Commission; but I understand that it cannot be the object of the Select Committee to make an Assistant Inspector independent of the Commission. The Commission is the controlling body and all Chief Inspectors as well as Assistant Inspectors should be under their control. I therefore wish to substitute the words 'all Inspectors' for the words 'Chief Inspector,'

so that the Assistant Inspector as well as the Chief Inspector may all be subordinate to the Commission, and in this view I ask the Council to accept this amendment."

The Hon'ble MR. CARLYLE said:—"Here again I am not sure that the words as they appear in the Bill are not absolutely plain, but perhaps it would make the section clearer if the Hon'ble Member's amendment were accepted. I have no objection to the amendment, and it might be accepted by the Council."

The Motion was put and agreed to.

Clause 7.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR also moved that in sub-clause (2), clause 7, after the words "such order" the following words and expression be inserted, *viz.*, "or within such longer period as the Magistrate may, for special reason, allow." He said:—

"This clause deals with the obligation of parties in complying with orders passed by Magistrates in cases of demolition of kilns or furnaces erected within prohibited areas. It is quite possible that a party prosecuted under any of the sections of the proposed Act and required by the Magistrate to do a certain act within a certain period may commence to do such act and yet fail to complete it within the prescribed period. It would be extremely hard in such cases if the penalty were enforced immediately after the expiration of the period which is fixed by the Magistrate in his first order. To meet such contingencies and to give some protection to persons who may *bond fide* try to carry out the orders of the Magistrate, some discretion ought to be left to the Magistrate for the purpose of granting an extension to such parties, and it is in this view that I have suggested this amendment, so that, if a man begins to comply with a Magistrate's order and then for sufficient reason fails to carry it out completely within the time allowed, he may get some extension from the Magistrate and that the penalty may not be enforced until such further time expires."

The Hon'ble MR. CARLYLE said:—"I think it is reasonable that the Magistrate should have the discretion which will be given him by this amendment, and I would therefore ask the Council to accept it."

The Motion was put and agreed to.

Clause 10.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR also moved that in clause (i), sub-clause (2), clause 10, the word "twenty" be substituted for the words "thirty-two." He said:—

"I would draw Your Honour's attention to sub-clause (i) of section 10, which authorises the payment of a fee not exceeding Rs. 32 to each or any member of the Commission attending a meeting of the Commission. It is a small matter, no doubt, but at the same time I think on principle I might ask the Council to consider this question. In the Calcutta Corporation we have got a fee of Rs. 20 for each member attending a meeting of the General Committee, and I am informed by my hon'ble friend, Babu Bhupendra Nath Basu, that not more than that is allowed to the Calcutta Port Commissioners for attending their meetings. I do not understand why a larger fee should be allowed in the case of the Members of the Smoke-Nuisances Commission. In the first place it will be observed that we have already granted representation to the various bodies and associations whose interests are likely to be affected by the proposed legislation, and it may be accepted that the representatives whom these bodies will send will be persons who will be directly interested in the welfare of their constituencies. That ought in itself to be a sufficient inducement to such members to regularly attend meetings of the Commission."

As for the official members I think they already possess sufficient inducements for attending all kinds of meetings with which they may be associated, and I do not think we need be anxious to grant them a larger fee than Rs. 20."

The Hon'ble MR. APCAR said:—"I regret I cannot support this amendment. The Hon'ble Member has referred to the example of the Port Commissioners, but if he will refer to the Port Commissioners Act he will find that the amount is a fixed one and is divided between the Commissioners attending a meeting; the amount of the fee payable depends upon how many members attend. There are weekly meetings and also Sub-Committee meetings. In this case the members of the Commission must be practical men, their experience will be of great benefit, and their time is valuable. The clause here provides that the fee shall not exceed Rs. 32. Even if the maximum fee was fixed, it would not in my opinion be in any way excessive. I regret, therefore, I cannot support any amendment reducing it."

The Hon'ble MR. CARLYLE said:—"I agree with the Hon'ble Mr. Aparcar in his opposition to the amendment. He has given reasons for holding that Rs. 32 is not too large a fee, and I do not think we ought to cut it down."

The Hon'ble BABU BHUPENDRA NATH BASU said:—"I beg to support the amendment of my friend the Hon'ble Babu Ambika Charan Mazumdar. As he has pointed out in the Calcutta Corporation, the fee to members of the General Committee is Rs. 20 for each meeting. When that fee was introduced I may remind your Honour's Council that it was strongly opposed by those who were the representatives of the different associations or public bodies in this Council, and especially by those who represented at that time the Corporation of Calcutta. The fee I believe was originally fixed at Rs. 32, and after a considerable amount of opposition it was reduced to Rs. 20. There also the introduction of the fee system was justified on the ground that the General Committee needed the services of experienced men, and it would be impossible or rather difficult to have the benefit of their services until a fee was provided, and consequently notwithstanding the opposition of elected members the fee was introduced. I am glad to be able to state that some of the Government members also opposed the introduction of the fee, and the Hon'ble Mr. Oldham to my knowledge did not accept a fee so long as he continued to be a member of the General Committee. In the Port Commissioners we have also got experienced men, and I am told that, if all the members attend a meeting, the fee to each member would be about Rs. 16, but, as all members do not attend and a certain fixed sum has been allotted for the purpose, the fees generally come to about Rs. 20 or Rs. 21. As my friend the Hon'ble Babu Ambika Charan Mazumdar has pointed out the representatives on this Commission will have to safeguard the interests of their constituents. That alone ought to be in our opinion a sufficient inducement for them to serve on this Commission. If an additional inducement is to be given, it ought to be in giving such sums as are paid to members of similarly constituted bodies. As far as Government servants are concerned we have nothing to say. Having regard to the precedents that have been established in this Council, I do not think, Sir, that these precedents should be deviated from, and in that view I support the amendment of my friend the Hon'ble Babu Ambika Charan Mazumdar."

The Hon'ble MR. CHAUDHURI said:—"I beg to support the amendment of the Hon'ble Babu Ambika Charan Mazumdar, and I agree in the remarks made by the Hon'ble Babu Bhupendra Nath Basu. One thing has struck me, and I dare say it has struck other Members and that is as well, that no provision has been made with regard to the expenditure that is contemplated under this Bill. I do not suppose that a Bill is a proper place to make provision for such expenditure, but the appointment of a Chief Inspector and his assistants will undoubtedly entail a heavy expenditure in connection with its working. The working of the Bill will thus be a burden on the provincial account. As far as possible I would relieve this burden on tax-payers. I do not

expect that the Hon'ble Mr. Apcar will appreciate or at all desire that the expenses of the working of this Act will be defrayed out of fines or penalties. In some cases, notably under the Police and other local Acts, a rigorous enforcement of the law always brings no small amount of revenue from such sources. No provision, however, has been made in this Bill and nothing has been said at the time of its introduction or of submitting the Report of the Select Committee how the expenses in connection with this Bill will be defrayed. If the Provincial Fund were to be charged with such expenses, I would not advocate a proposition that would inflict a heavier burden than was absolutely necessary for safeguarding public interest under the provisions of this Bill. With these remarks, I beg to support the amendment."

The Hon'ble BABU SALIGRAM SINGH said:—"With reference to the remarks that have fallen from the Hon'ble Babu Bhupendra Nath Basu, I agree with him, and for the reasons stated by him I also support the amendment."

The Hon'ble BABU KALI PADA GHOSH said:—"I also support the amendment. The Hon'ble Mr. Apcar has pointed out that according to the wording of the clause the fee is not to exceed Rs. 32, but that it may also perhaps mean that the actual figure to be paid to a member attending this Commission may be less than Rs. 32, but, as we find that the fee which is paid to members of the General Committee of the Calcutta Municipality is Rs. 20, and as the work of a member attending on this Commission will not be more onerous or will take more time than that of a Municipal meeting, I submit that the fee payable should be the same as that fixed with regard to meetings of the General Committee of the Calcutta Municipality."

The Hon'ble MR. LARMOUR said:—"I regret I cannot support the amendment. I think the so-called analogous cases that have been brought up as to the Port Commissioners and the Municipality do not bear on the point at all. In the Port Commissioners a certain amount, as the Hon'ble Mr. Apcar has already told us, namely Rs. 280, is divided among fourteen Commissioners, that is to say if out of the fourteen members ten attend they get Rs. 28 each. Whatever the number that attend they divide the Rs. 280 between them. That is hardly a case to bring up for comparison. In this particular Commission men will be wanted of special expert knowledge. Even these members who will be appointed by the Government will, I take it, be required to have this special knowledge, as it would be practically putting the thing out of all power of usefulness if men were appointed to the Commission who had not that knowledge. To take such men away from their daily occupation, whatever it may be, for an hour or two, naturally means that they will lose by it and that they must be compensated for the time they give to such work. The meetings of such a Commission would not be very numerous. At the outset there would be several meetings to draw up Rules or for other preliminary matters; after that the meetings would probably be reduced to one a month or one in two months.

"Another thing must be borne in mind in considering the interests which are at stake. It is very possible that men who form such a Commission will have to be looked for at some distance from the actual spot. We have to consider that this Bill will bear upon the interests of industries scattered over a very large area, and that men representing those industries will probably be brought to Calcutta from some distance to attend if they are appointed under this Commission, and a maximum fee of Rs. 32 to get these men to attend on such a Commission is by no means excessive. The men required will be men of position, men who would need to have expert knowledge of the subject. I regret, therefore, I cannot support the amendment."

The Hon'ble RAJA BAN BEHARI KAPUR said:—"Sir, I must support the amendment proposed by my friend the Hon'ble Babu Ambika Charan Mazumdar. The fee should be fixed at Rs. 20, which is the fee allowed to members of the General Committee of the Corporation of Calcutta. The arrangement

in the Port Commissioners, as I understand it, is that Rs. 280 is the fixed allowance which is divisible among members who attend, so that two courses are open to us: either we might say that Rs. 280 are to be set apart for each meeting which will be divided among the members present, or fix the fee at Rs. 20 for each member who happens to be present to discuss a certain meeting of the day. I venture to suggest, Sir, that it appears to me that originally when Rs. 32 was fixed the gold mohur used to be sold at Rs. 16. It was necessarily always understood that a fee of two gold mohurs would mean Rs. 32, but now-a-days the gold mohur is a thing which is difficult to obtain and it is not a current coin, and if it is obtainable at all it is sold at Rs. 24 or Rs. 25. I rise, therefore, to support my friend the proposer of the amendment that the fee should be Rs. 20; but if, on the other hand, Sir, the Council should think that the fee should be a fixed one on the standard of the gold mohur, then as the gold mohur is not obtainable the fee may be fixed at Rs. 25 as one gold mohur. For my part, I would suggest that whatever remuneration is allowed to members of the General Meetings of the Corporation should be fixed for the members who may attend a meeting of this Commission. With these few words I support the amendment."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR, in reply, said:—"Sir, I regret very much to find the opposition which has been offered to this simple amendment. There was a time when the Government constituted Commissions and Committees upon which members used to serve with the utmost zeal and interest, and there was no idea of receiving any money remuneration for their services; but times have now altered and it seems to me that our interest is now gradually assuming more and more substantial form. We have now got the Port Commissioners charging fees, we have got the Municipal Commissioners charging fees, and now we have got a Smoke Nuisances Commission following suit. As for the Hon'ble Mr. Apcar and the Hon'ble Mr. Larmour offering any opposition, I think I am bound to say a few words. In the first place your Honour will be pleased to observe that as the Bill was introduced there was no question of representation. The Select Committee have generously granted this representation on the recommendation amongst others of the Bengal Chamber of Commerce and the Calcutta Trades Association, and for them now to come forward to say that their representatives cannot attend unless they are allowed a substantial fee looks perhaps somewhat awkward. They wanted representation; the Government has granted it; and when the representation is granted it becomes the thin end of the wedge; and now the worthy representatives of these bodies would quietly tell us,—you have granted us representation; now grant us the money wherewith to keep alive our dying interest in our representation. That certainly looks like business, but does not look decent as far as I can see. The Hon'ble Mr. Larmour has told us that the meetings will not be too many. Very well, I accept his words. If the meetings will not be many, why do you charge any fees at all? Your losses can not then be much. It has been suggested that intelligent experts and capable men will have to sit on the Commission, and they must be paid for their work, I do not believe that intelligent and capable men are altogether new indents for the first time brought in this country either by the Chamber or by the association. They did exist before and they did assist us without any remuneration. I think I can well understand why the Hon'ble Mr. Carlyle has found it necessary to stand in my way, but I was not at all prepared for an opposition from the representatives of the Chamber of Commerce and the Trades Association, to whom a substantial boon has been granted by the representation which is recognised in the Bill itself."

The Motion was then put and lost.

The Hon'ble Mr. CHAUDHURI said:—"Before moving the amendment which stands in my name I must say that clause 10 as it has been drafted now is to a great extent free from the objections that are often taken to legislation by rules. Sub-clause (4), clause 10, has been taken bodily out of the Mines Act,

section 20, sub-clause (5), with the substitution of the word "Commission" in the place of the expression "Mining Board." The reason why the expression "where a Mining Board has been constituted" occurs in the Mines Act is that under section 9 of that Act it has been made optional with the Local Government to appoint a Mining Board or not. But the local measure before us marks an improvement over the Mining Act in so far that it safeguards public interest to a greater extent. Here it is provided that the Local Government *shall* appoint a Commission, not that it may, as under section 9 of the Mines Act, which is a Government of India Act. The latter Act makes it optional to appoint a Mining Board or not; but it has been provided under the present measure that the Local Government must appoint a Commission. Having regard to clause 4 of the Bill, it seems to me that "the expression where a Commission has been constituted under section 4," in clause 10, sub-clause (4) is out of place, because under this Bill a Commission will have to be appointed to superintend the working of the Act and there is no option left. I beg to move, therefore, that in sub-clause (4), clause 10, the words and expression 'where a Commission has been constituted under section 4' be omitted, and that after the words 'the Commission' in line 3, the words 'constituted under section 4' be added. The dropping of the first portion 'where a Commission has been constituted under section 4' thus does away with the contingency of the rules being framed before the Commission is appointed. I was given to understand that there would be no opposition to my amendment, so I have nothing more to add to what I have said."

The Hon'ble Mr. CARLYLE said:—"I have no objection to the amendment proposed by the Hon'ble Mr. Chaudhuri, and I think it may be accepted by the Council."

The Motion was put and agreed to.

Clause 11.

The Hon'ble Babu AMBICA CHARAN MAZUMDAR moved that the clauses (a) and (b) of clause 11 be amended in the following manner, *viz.*:—

- (a) upon a complaint made with the sanction of the Commission, and
- (b) within a period of two months from the date of the commission of the offence, unless the offence is continuous in its nature, in which case within two months from the date on which the commission or existence of the offence was brought to the notice of the President of the Commission.

He said:—"I object in the first place to clause 11 of the Bill in so far as it gives the Chief Inspector authority to start a prosecution independently of the authority of the Commission. The matter is a serious one. All prosecutions under this Act are likely to affect trade, and we cannot be too careful in taking prosecutions under this Act. I submit that with the view to ensure proper scrutiny in matters of prosecutions, the sanctioning authority should be vested in the Commission. It is no new idea which I am placing before the Council. Similar provision is to be found in the Bengal Municipal Act where no prosecution can be instituted without the sanction of the Commissioners. It may be a little longer proceeding, but I do not think it will be a difficult proceeding to obtain the necessary sanction when required from the Commission. For instance, a man commits an offence: the inspecting staff has simply to bring it to the notice of the President of the Commission and he has simply to take the opinion of the members of the Commission in order to institute a prosecution. There will be many things to be considered before sanctioning a prosecution under this Act, and this can only be properly considered by expert members of the Commission. I do not think it would be at all safe to give this important power to the Chief Inspector, and I think we would be acting wisely in making it compulsory that before the institution of a prosecution under this Act the sanction of the Commission should be obtained."

"In the next place, the object of my second amendment is to make the law still more stringent, in that when an offence is of a continuous nature, the

party should not be allowed to escape the consequences of his act or omission, simply because the inspecting staff might overlook now and then the existence of an offence. There are various offences which will arise under this Act which will be of a continuous nature, and if we leave the clause of the Bill as it stands I believe we might leave a wide door to offending parties escaping the consequences of their act and defeating the provisions of the Act by simply raising the plea that the offence was committed more than two months' ago and no notice has been taken of it in proper time. In these cases I believe it would be wise to provide that the Commission should have power to prosecute a man even after two months, provided they were ignorant of the existence of the offence committed; and in this view I would ask the Council to accept my second amendment also, which refers to clause (b). I may as well inform Hon'ble Members of the Council that the same sort of safeguard has been provided in the Municipal Act, and we ought also to provide that people may not escape the consequences of their act and nullify the provisions of this Act, simply because there may be some negligence on the part of the inspecting staff. In this view, I ask the Council to accept both the amendments which I have proposed."

The Hon'ble Mr. CARLYLE said:—"I regret I must oppose this amendment. The meetings of the Commission will, I hope, be rare after the Act is once in working order and it would be very inconvenient to call a meeting for the purpose of enabling the Commission to authorise the prosecution of every petty offence. If the Hon'ble Member's amendment were accepted the result would be that it would be necessary to call meetings at frequent intervals for such purposes, as the limit of time within which a prosecution can be instituted has been reduced to two months. Under the Bill as it stands the Chief Inspector has to give written authority before a Magistrate can take cognizance of an offence, and this affords an ample guarantee that there will be no reckless institution of cases under this Act.

"With regard to the amendment of clause (b), I can see no reason why continuous offences should be put on a different footing from other offences, and I think it is unnecessary to change the wording of the clause as sent up by the Select Committee."

The Hon'ble Babu BHUPENDRA NATH BASU said:—"As regards the first amendment of clause 11 of my friend, the Hon'ble Babu Ambika Charan Mazumdar, I think it would meet the objection of the Hon'ble Mr. Carlyle if instead of 'Chief Inspector' we substituted 'the President of the Commission.' Prosecutions under the Calcutta Municipal Act are always undertaken after sanction by the Chairman, so that there is a safeguard against unnecessary harassment and of the matter being properly enquired into. So if my friend the Hon'ble Babu Ambika Charan Mazumdar will accept this suggestion, the difficulty that the Hon'ble Mr. Carlyle has suggested that the Commissioners would have to sit will be obviated by having the sanction of the President of the Commission."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said:—"With your Honour's permission I would accept the suggestion of my friend the Hon'ble Babu Bhupendra Nath Basu, and in place of 'the sanction of the Commission' I would substitute the expression 'the sanction of the President of the Commission.'"

The Hon'ble Mr. CARLYLE said:—"I still think it is unnecessary to make any change. The Chief Inspector has been placed by the Act entirely under the orders of the Commission, and it is very unlikely that he will recklessly sanction prosecutions. I think we might trust him."

The Hon'ble Mr. CHAUDHURI said:—"With regard to the second part of my friend the Hon'ble Babu Ambika Charan Mazumdar's amendment, I regret I cannot support it. It seems to me that the second part of his amendment is opposed in principle to the first part. In the first part he seeks to safeguard against any prosecution being lightly started. Supposing

the first portion of his amendment is not carried, the second portion will only create an opportunity for people being put to endless harassment. Supposing the emission of smoke of a particular density sufficient to constitute an offence under the Act is not carefully watched by the Inspectors and it is reported to the Chief Inspector that dense smoke was emitted on a number of days and prosecution is started for the first of the series of such acts and it fails for want of sufficient particulars and by that time just two months are over. On the pretence of being a continuous offence a fresh prosecution may be started under the same series of acts, and now the requisite particulars might be forthcoming at the instance of the thwarted Inspector. The time limit in such cases would afford no relief. I think the effect of clause (b) of his amendment will be to make the Act more stringent in its operation and give larger powers in the hands of the Chief Inspector. Should my friend's first amendment be lost, I think it will be undesirable to accept the second portion of his amendment."

The Hon'ble BABU KALI PADA GHOSE said:—"I had expected that the Hon'ble Mr. Carlyle would have seen his way to accept the amendment subject to the alteration proposed by my friend the Hon'ble Babu Bhupendra Nath Basu, that is, that the written authority of the President of the Commission should be obtained before starting a prosecution. Clause 11 is practically a penal clause, and in enacting such a clause I think we should guard against prosecutions of a frivolous character. I think it would meet that object if the Hon'ble Mr. Carlyle accepted the amendment subject to that alteration. As regards the second amendment proposed by my friend, the Hon'ble Babu Ambika Charan Mazumdar, I am sorry I cannot support it. Clause (b) as it stands in the Bill would not in my opinion be productive of any mischief, and I do not see any reason for the alteration of that clause."

The Motion was then put in its amended form and lost.

The Hon'ble Mr. CARLYLE moved that the Bill, as settled in Council, be passed.

The Motion was put and agreed to.

THE BENGAL FINANCIAL STATEMENT FOR 1905-1906.

The Hon'ble Mr. SHIRRES laid on the table the Bengal Financial Statement for 1905-1906 with explanatory notes. He said:—

"SIR, I beg to lay upon the table the Financial Statement for 1905-1906, together with the usual appendices and accounts.

"2. In the year which is just about to close the crops are reported to have been considerably below the average. The winter rice crop was estimated at 14 *per cent.* below the average; and the *bhadoi* and *rabi* food crops and the *bhadoi* non-food crops, which include jute and indigo, are said to have yielded only three-fourths of the average outturn. These are, however, probably under-estimates. At one time, indeed, until heavy rain fell in October, there was considerable anxiety; and even after the cold-weather crops seemed secure they were damaged by frost and hail. On the other hand the returns from the Port of Calcutta show that in the first eleven months of the year the exports and imports of merchandise have increased in value by 11½ *per cent.*, the percentages in the case of cotton goods and machinery being 20·15 and 38·8

respectively; while the marvellous industrial expansion which we see going on around Calcutta appears to suffer no abatement, nor do we ever hear of workmen being unable to find work.

"3. From a revenue point of view the year has not been unsatisfactory. The revised estimate for the current year exceeds the original budget estimate by Rs. 12,66,000. This figure includes special grants of two lakhs for University Education and of Rs. 75,000 for the improvement of the Port of Chittagong which have been made by the Government of India, but if these are excluded the excess still comes to Rs. 9,91,000. In the previous ten years, owing to the cautious system of budgetting, the average difference between the revised estimate and the budget estimate has been Rs. 10,88,000, or if we exclude exceptional items Rs. 10,58,000. When we framed the budget of the current year in March last we allowed for an increase of Rs. 5,56,000, and we now estimate for a further increase, apart from the grants for University Education and Chittagong, of Rs. 9,91,000 which brings the total improvement during the current year up to Rs. 15,47,000. A comparison of the actuals of the previous six years shows that the average advance from year to year has been Rs. 13,58,000. The enhancement of revenue during the current year is partly from departmental receipts which involve an increase of departmental expenditure, but on the whole, and in view of the fact that we receive a smaller share than formerly of the expanding revenues technically known as 'the divided heads,' we may be satisfied with the result. In passing I may explain that our favourable position is largely due to an unusual expansion of the stamp revenue, chiefly under the head of Court-fee stamps. The average annual addition to the revenue from stamps in the last five years has been Rs. 3,89,000, and when preparing the budget for the current year we allowed for an increment of three lakhs, giving a provincial share of $1\frac{1}{2}$ lakhs. Now on the strength of the receipts during the first 11 months of the year, we have added six lakhs in the revised estimate of the current year, making a total of nine lakhs of which the Local Government gets one-half or Rs. 4,50,000.

"4. In the financial estimate which was concluded last year, the revenues assigned to us amounted to Rs. 4,98,87,000. In the budget for the current year we estimated for an increase of Rs. 5,56,000. The revised estimate for the current year shows a further increase over the budget estimate of Rs. 12,66,000. In the budget for next year we have allowed for an increase of Rs. 6,28,000. If these three sums are added together, we get a total of Rs. 24,50,000 by which the permanent revenue of next year is estimated to exceed the amount assigned to us in the financial settlement a year ago. Of this amount sums aggregating Rs. 19,48,000 have been allotted to recurring expenditure under various heads, leaving a margin of Rs. 5,02,000 which for the present has been devoted to non-recurring expenditure. The details of the recurring expenditure will be found in paragraph 13 of the explanatory notes. The non-recurring expenditure is given in paragraph 14.

"5. So far I have dealt with the addition to the permanent or recurring revenue, but we also begin next year with a large opening balance, part of which may be devoted to non-recurring expenditure. A year ago we estimated that the opening balance of the current year would be Rs. 1,37,99,000. Owing, however, to adjustments after the close of the year, principally on account of jail manufactures and survey and settlement charges, and owing also in some cases to the receipts having proved better than the revised estimate, there has been an increase in the opening balance of Rs. 4,54,000. This amount has been carried forward and added to the closing balance of the current year which corresponds with the opening balance of next year. Then again, the revised estimate of receipts for the current year exceeds the budget by Rs. 12,66,000 and this excess is also carried forward. Lastly, we have a net decrease in the expenditure of the current year. There have been large savings under many heads, but most of these have been transferred to other heads and spent. The net result is that the expenditure falls short of the estimates by Rs. 2,21,000. These three sums Rs. 4,54,000,